IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11364 OF 2025

Parksight Cooperative Housing Society Ltd. ...Petitioner
Vs.
Panvel Municipal Corporation & Ors. ...Respondents

Mr. Suresh M. Sabrad a/w Mr. Pratik Sabrad, Ms. Neha Parte, Ms. Eshwaree Kudalkar, for the Petitioner.

CORAM: G. S. KULKARNI &
MANJUSHA DESHPANDE, JJ.
DATE: 22 AUGUST, 2025.

P.C.

1. Not on board. Taken on board on urgent application moved on behalf of the petitioner.

2. The petitioner is aggrieved by the Mobile Tower which has been set up in the net park vicinity of the petitioner's premises. The contention of the petitioner is that such installation is an encroachment on the amenities which has been made available as also there are certain other contentions which are urged by the petitioner seeking the following reliefs in the petition :

> *(a) that this Hon'ble Court may be pleased to issue a writ of mandamus and writ of certiorari and/or any other appropriate writ/ direction under Article 226 of Constitution of India thereby quashing and setting aside the work order/permission granted by Respondent No.1 to Respondent No.3 for erection of the Mobile Tower at Punya Shlok Devi Ahilyabai Holkar Udyan, Situated at Sector-6/8, Khanda Colony, Near Mahatma School, Panvel-410 206;*
> *b) That pending the hearing and final disposal of the present petition this Hon'ble Court may be pleased to direct respondents specifically respondent no. 1 to forthwith stay the operation and implementation of the work order/permission granted by Respondent No. 1 to Respondent No.3 for the work of erection of the Mobile Tower at Punya Shlok Devi Ahilyabai Holkar Udyan, Situated at Sector-6/8, Khanda Colony, Near*

Mahatma School, Panvel-410 206;

c) that this Hon'ble Court may be pleased to direct Respondent No.1 to conduct a public hearing with residents before granting permission for any such project in future in the vicinity of petitioner society and Udyan;

d) This Hon'ble Court may, by way of writ of mandamus and writ in the nature of mandamus appropriate direction against respondent No.1 be issued to provide/allot place which is available next to the existing vast land for construction of the Mobile Tower in the same vicinity where the present work order has been issued;

(e) This Hon'ble Court may be pleased to grant ad-interim and interim reliefs in terms of prayers (b) to (d);

(f) All other just and necessary Orders may kindly be passed in favour of the petitioner."

3. It is informed that respondent nos.1 to 3 are served by e-mail. However, they are not represented. Considering the nature of the order, which we intend to pass, in our opinion, even the absence of the respondents would not cause any prejudice.

4. Mr. Sabrad, the learned Counsel for the petitioner at the outset would submit that at this stage of the proceedings, the petitioner would confine the reliefs to the extent of the petitioner's representation dated 20th August 2025 made by the petitioner to the Commissioner, Panvel Municipal Corporation, which is at Exhibit A, Page No.29 of the petition.

5. In this view of the matter, permitting the petitioner such course of action, we are inclined to dispose of this petition in terms of the following directions :

(i) The Commissioner, Panvel Municipal Corporation shall consider the petitioner's representation dated 20th August 2025, and after granting an opportunity of hearing the petitioner, pass an appropriate order on such representation.

(ii) We also accept Mr. Sabrad's contention that the petitioner be permitted to make additional written submissions and more particularly, in view of the fact that the user of the garden is now sought to be altered without following the due procedure in law. We permit the petitioner to make such additional written submissions.

(iii) Let the same be made within two weeks from today.

(iv) All contentions of the parties in that regard are expressly kept open.

(v) The Commissioner shall take a decision on the petitioner's representation within a period of four weeks, from the date the additional written submission are placed on record of the Commissioner by the petitioner.

7. The writ petition is disposed of in the aforesaid terms. No costs.

(MANJUSHA DESHPANDE, J.) (G. S. KULKARNI, J.)

Kartikeya