



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1615 of 2018

Arti w/o Rahul Domkulwar Vaidya and others

vs.

*State of Maharashtra, through Principal Secretary, Urban Development Department,
Mantralaya, Mumbai and others*

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. M.M. Agnihotri, Advocate for the Petitioners.
Mr. A.J. Gohokar, A.G.P. for Respondent No.1.
Mr. S.V. Sohoni, Advocate for Respondent No.2.
Mr. P.A. Abhyankar, Advocate for Respondent No.3.
Mr. S.S. Sanyal, Advocate for Respondent No.9.*

CORAM : ANIL L. PANSARE & NIVEDITA P. MEHTA, JJ.

DATE : 23rd MARCH, 2026.

In response to the order dated 26/02/2026, Mr. S.V. Sohoni, learned Counsel for respondent No.2, has tendered across the bar an affidavit, which is taken on record.

02. Perusal of the affidavit reveals that respondent No.2 has issued 'show cause notices' to seven officials of the Akola Municipal Corporation, who were responsible for taking action for removal of the mobile tower under question, but have failed to do so. Insofar as taking instructions from the newly added respondents is concerned, these respondents are officers of respondent No.2–Corporation, who were supposed to take action, but have not done so. Mr. Sohoni submits that the orders passed by this Court have been communicated to the concerned officials and instructions are awaited. He further submits that these officers shall be informed about the order passed today, so that they may file their affidavits by the next date. On the point of removal of the tower under question, Mr. Sohoni submits that respondent No.2 has made a communication to the Additional Chief Secretary (2), Urban Development Department, Mantralaya, Mumbai, seeking permission to remove the mobile tower.

03. When enquired, whether such permission was obtained for installation of mobile tower, the Counsel answered in the negative. He, however, has referred to the letter dated 31/01/2024 (Annexure R2-4) issued by the Deputy Secretary, Government of Maharashtra, directing all Commissioners of Municipal Corporations and Chief Officers of Municipal Councils to seek prior permission for taking penal action. We have gone through said letter. It refers to the Government Resolution dated 19/12/2022, which is not placed on record.

04. Respondent No.2 shall place on record a copy of the said Government Resolution.

05. List the matter for further consideration on 1st April, 2026.

**sandesh*

(Nivedita P. Mehta, J.)

(Anil L. Pansare, J.)