

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO.84 OF 2015

Nagar (NGO Alliance for Governance
Renewal) Trust & Ors.

.. Petitioners.

Vs.

State of Maharashtra & Anr.

.. Respondents.

Mr. Aspi Chinoy, Senior Counsel with Mr.Navroz Sreevai with
Mr.Akash Rebello with Mr.Zulfikar Jariwala with Ms.Radha Kapadia
i/b Thakore Jariwala & Associates for the Petitioners.

Smt.G. R. Shastri AGP for Respondent No.1.

Ms. T. H. Puranik for Respondent-BMC.

**CORAM : MOHIT S. SHAH, C.J. &
A.K. MENON, J.**

DATED : 20 JULY 2015

P.C. :

In order to enable learned AGP Smt.Geeta Shastri to
take instructions in the matter, stand over to 31 July 2015.

2. The learned counsel for the petitioners invited our
attention to the notification dated 3 October 2013 for proposed
amendment wherein it was mentioned specifically that “the land is
not shown under any reservation in the concerned RG or PG”and

municipal corporation also reiterated in its office note dated 13 November 2013 and 25 November 2013 that it was felt undesirable to allow such Telecommunication Tower/Base Stations etc. on RG/PG plots as like in the premises such as School, Hospitals etc. but thereafter in the impugned notification dated 4 March 2014 the amended DCR permits erection of Telecommunication Tower/Base Station etc. even on the lands which are designated for non-buildable reservations in any DP or RP, subject to the condition that the maximum permissible area for installation of such TCS/BS shall not be more than 5% of the area of the reserved site or 100 sq. m. whichever is less, and installation to be made to one corner of the reserved site.

3. Notice returnable after two weeks. Till the next date of hearing the respondents shall not grant any further permission for installation of TCS/BS in any RG or PG.

(CHIEF JUSTICE)

(A.K.MENON, J.)