

GAHC010022452024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/538/2024

CHULAMAN KHAN AND ORS.
S/O MAMUD ALI,
RESIDENT OF VILLAGE NAAPAM, PS TEZPUR, DIST SONITPUR, ASSAM
784028

2: ABU TALEB
S/O JAINAL ABDIN
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

3: HALIMA BEGUM
D/O AMJAT ALI

RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

4: ANJUMA KHATUN
D/O ABDUL GANI
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

5: UMME SALMA
D/O MEHER ALI

RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

6: RUPJAN BIBI
D/O ABED ALI

RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

7: MAMUD ALI
S/O SUTI SHEIKH
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

8: MOTIN
S/O ABDUL HAMID
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

9: ABDUL HANNAN
S/O MOTIN
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

10: INAMUL
S/O MOTIN
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

11: RINA BEGUM
D/O IMAN ALI
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

12: SULTANA BEGUM
D/O AMSAR ALI
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR

ASSAM 784028

13: ZAKIR HUSSAIN
S/O ISAB ALI
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

14: IDDIS ALI
S/O KITAB ALI
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 784028

15: AFRUJA BEGUM
D/O ABU TALEB
RESIDENT OF VILLAGE NAAPAM
PS TEZPUR
DIST SONITPUR
ASSAM 78402

VERSUS

THE STATE OF ASSAM AND 7 ORS
THROUGH THE SECRETARY TO THE GOVT. OF ASSAM, INFORMATION
TECHNOLOGY DEPARTMENT, DISPUR GUWAHATI 06

2:THE DISTRICT TELECOM COMMITTEE
THROUGH ITS CHAIRMAN CUM DISTRICT COMMISSIONER
OFFICE OF THE DISTRICT COMMISSIONER
SONITPUR TEZPUR.

3:THE DISTRICT COMMISSIONER
SONITPUR
DIST SONITPUR
TEZPUR
ASSAM

4:THE SUPERINTENDENT OF POLICE
SONITPUR
TEZPUR
ASSAM

5:THE NODAL OFFICER
SONITPUR
TEZPUR

ASSAM

6:THE CIRCLE OFFICER
TEZPUR
SONITPUR
ASSAM

7:SUMMITT DIGITAL INFRASTRUCTURE LIMITED
2ND FLOOR
BIJAY CRESCENT BUILDING
GS ROAD
NEAR PIBCO BUS STOP
RUKMINIGAON
GUWAHATI 781022

8:JAHANARA BEGUM
W/O ABDUL JALIL
VILLAGE AND PO NAAPAM. PS TEZPUR
DIST SONITPUR
ASSA

Advocate for the Petitioner : MOTIUR RAHMAN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

05.02.2024

1. Heard Mr. R.P. Sarmah, learned Senior Counsel appearing for the petitioners assisted by Mr. M. Rahman. Also heard Mr. G. Bokaliyal, learned counsel appearing for the respondent Nos. 1 to 6.

2. The petitioners are aggrieved by letter dated 29.12.2023 issued by the Superintendent of Police, Sonitpur to the Officer-in-Charge, Tezpur Police Station directing them to take action as per law. The said letter has been purportedly issued on the basis of the letter of the District Commissioner, Sonitpur dated

21.12.2023.

3. The grievance of the petitioners is that a mobile tower is going to be constructed on the private land of the respondent No. 8, which is within close proximity to the residences of the petitioners. The petitioners being apprehensive of their safety, in view of the electromagnetic radiation that would allegedly emanate from the mobile tower, have submitted a representation to the Nodal Officer, who is the Deputy/District Commissioner of the district, in terms of the "Guidelines for Granting Right of Way (RoW) to Telecommunication Infrastructure in Assam, 2023", praying that the mobile tower should not be constructed. However, the Deputy/District Commissioner, Sonitpur has till date not taken a decision on the petitioners' representation dated 08.06.2023 (Page 61 of the writ petition).

4. The counsel for the petitioners submits that the writ petition can be closed, if a direction is issued to the Deputy/District Commissioner, Sonitpur, to examine the petitioners' representation dated 08.06.2023 and take a decision on the same, within a specified time period.

5. Mr. G. Bokaliyal, learned counsel for the respondents submits that he has got no objection to the prayer made by the petitioners' counsel.

6. In view of the consent of the parties, this writ petition is closed with a direction to the Deputy/District Commissioner, Sonitpur to examine the petitioners' representation dated 08.06.2023 (Page 61 of the writ petition) and take a decision on the same, within a period of 1 (one) month from the date of receipt of a copy of this order. The decision taken should then be communicated

to the writ petitioner No.1.

JUDGE

Comparing Assistant