

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 3667/2025

**Residents of Shivanagar, Kathua
Through the representative
Attin Sharma, Age 37 years;
S/O Sh. Sardari Lal Sharma,
R/O Ward No. 19; Shiva Nagar,
District Kathua-184104.**

.....Appellant(s)/Petitioner(s)

Through: Mr. Bupinder Anthal, Advocate

vs

- 1. Union of India,
Through Private Secretary,
Department of Telecommunication
(DoT), Ministry of Communications,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi-110001.**

..... Respondent(s)
- 2. The Additional Director General
(ADG), Department of
Telecommunication (DoT), Ground
Floor, HUDCO Bhawan, Rail Head
Complex, Jammu-180012.**
- 3. The Vice Chairman & Managing
Director, Bharti Airtel Limited,
Airtel Center, Plot No. 16, Udyog
Vihar, Phase IV, Gurugram,
Haryana 122015.**
- 4. The Managing Director & CEO,
Indus Tower Limited,
Building No. 10, Tower-A, 4th Floor,
DLF Cyber City,
Gurugram, Haryana, 122002.**
- 5. The Deputy Commissioner,
Kathua.**

6. **The Executive Officer,
Municipal Council,
Kathua-184101.**
7. **Om Prakash Sharma
S/O Late Sh. Des Raj
R/O-Gali No. 3, Patelnagar, kathua.
Tower Site/Building Address: Ward
No. 16/19, Shivanagar Opposite
J&K Bank, Patelnagar College
Road, Kathua.**

Through: Ms. Chetna Manhas, Advocate vice
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER
(07.02.2026)

1. Petitioners alleging that the respondent-Indus Tower Limited, has installed a mobile tower operating the Airtel network in the close vicinity of Shiva Nagar and Patel Nagar, falling under Ward No. 16 (A/P Ward No. 19) and Ward No. 15, Kathua on the building of the private respondent, namely Om Prakash Sharma, without due regard to the safety, health, and residential concerns of the inhabitants of the surrounding locality has filed this writ petition.
2. It is alleged that against aforesaid action, the petitioners submitted a representation 13.11.2025, to respondent No. 5- Deputy Commissioner, Kathua, requesting that no mobile tower be installed or made operational within their thickly populated residential area that no inhabitant of the locality has ever

issued or signed any NOC/consent for the installation of the mobile tower. Neither any authority or telecom operator has approached or consulted the residents of the locality prior to initiating the installation process.

3. The petitioners have sought following reliefs:

“ (i) Issue writ in the nature of Mandamus:

Direction the respondents to stop the operation of mobile phone tower and immediately remove the same from densely populated residential area, as the same is being run without necessary permissions/NOCs and is in violation of rules and guidelines.

(i) Issue Writ in the nature of Mandamus:

Directing the respondents to ensure full compliance of the existing norms for the installation of mobile towers to curb the menace of rampant illegal towers installation in the density populated residential areas”

4. Learned counsel for the petitioners submits that the respondents have not filed their objections so far and further submits that the petitioners would be satisfied if the present petition is disposed of with a direction to respondent No. 5- Deputy Commissioner, Kathua, to look into their grievance and take a decision with regard to the functioning of the Bharti

Airtel tower installed on the roof of the house of the private respondent No. 7.

5. Learned counsel for official respondent No. 5, submits that respondent No. 5 shall not be averse to any direction for consideration, as pleaded by learned counsel for the petitioners.
6. In view of the pleadings, facts and circumstances of the case, and the submissions made at the Bar, the present petition is disposed of with a direction to respondent No. 5, Deputy Commissioner, Kathua, to consider the plea raised by the petitioners and decide the matter expeditiously in accordance with the rules and regulations governing the subject.
7. The petitioners shall supply a copy of the present petition to respondent No. 5 for compliance, along with a certified copy of this order, within a period of two weeks.
8. Petition, is thus, **disposed of**, along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
07.02.2026
Amit