

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936**

**WP(C).No. 2212 of 2015 (B)**  
-----

**PETITIONER(S):**  
-----

**PALATHRA CONSTRUCTIONS (PVT) LTD.,  
THURUTHY, CHANGANCHERRY, KOTTAYAM DISTRICT,  
REPRESENTED BY ITS MANAGING DIRECTOR,  
MR.SHIBU MATHEW**

**BY ADVS.SRI.V.PHILIP MATHEW  
SRI.GIBI.C.GEORGE**

**RESPONDENT(S) :**  
-----

- 1. STATE OF KERALA,  
REPRESENTED BY ITS PRINCIPAL SECRETARY,  
DEPARTMENT OF INFORMATION TECHNOLOGY,  
KERALA GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM-695 001.**
- 2. UNION OF INDIA,  
REPRESENTED BY ITS SECRETARY, MINISTRY OF COMMUNICATIONS AND IT,  
DEPARTMENT OF TELE COMMUNICATIONS,  
SANCHAR BHAVAN, 20, ASHOKA ROAD, NEW DELHI-110 001.**
- 3. THE DISTRICT COLLECTOR/ CHAIRMAN,  
DISTRICT TELECOM COMMITTEE, COLLECTORATE,  
ALAPPUZHA DISTRICT-688 001.**
- 4. DISTRICT TELECOM COMMITTEE,  
COLLECTORATE, ALAPPUZHA DISTRICT-688 001,  
REPRESENTED BY ITS CHAIRMAN.**

**\* ADDITIONAL R5 IMPEADED**

- 5. INDUS TOWERS LTD.,  
CIRCLE OFFICE AT: VANKARATH TOWERS, 8TH FLOOR,  
NH-47, PALARIVATTOM, KOCHI-24, REPRESENTED BY ITS  
HEAD-LEGAL, MR.PREMAKRISHNAN NAIR.**

**\* ADDITIONAL R5 IS IMPEADED AS PER ORDER DATED 21.01.2015 IN  
I.A.NO.1010 IN 2015.**

**R1, R3 & R5 BY GOVERNMENT PLEADER SRI.K.C.VINCENT  
R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

-----

- EXHIBIT P1: COPY OF BUILDING PERMIT NO.A3-148/2014-15 DATED 07.05.2014  
ISSUED BY CHINGOLI GRAMA PANCHAYAT.**
- EXHIBIT P2: COPY OF PURCHASE ORDER ISSUED BY INDUS TOWERS LTD TO  
THE PETITIONER.**
- EXHIBIT P3: COPY OF PETITION DATED 08.01.2015 SUBMITTED BEFORE  
THE 3RD RESPONDENT.**
- EXHIBIT P4: COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF  
THE 3RD RESPONDENT.**
- EXHIBIT P5: COPY OF G.O. (MS) NO.31/2014 ITD DATED 05.11.2014.**
- EXHIBIT P6: COPY OF ORDER DATED 05.09.2014 PASSED BY THE TRIBUNAL FOR  
LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM  
IN APPEAL NO.705/2014.**
- EXHIBIT P7: COPY OF JUDGMENT DATED 12.12.2014 PASSED BY THIS HON'BLE  
COURT IN W.P.(C) NO.33585/2014.**

**RESPONDENT(S)' EXHIBITS**

-----

**NIL**

**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**P.R. RAMACHANDRA MENON, J.**

-----  
**W.P.(C) No.2212 of 2015**  
-----

**Dated this the 21<sup>st</sup> day of January, 2015**

**JUDGMENT**

The learned counsel for the petitioner submits that, the petitioner finds it extremely difficult to execute Ext.P2 work awarded by the addl. 5<sup>th</sup> respondent, because of the stiff opposition and resistance by the local public, taking the law into their hands. Pursuant to Ext.P5 G.O. and the decision rendered by the Division Bench of this Court reported in **Indus Towers Ltd. and others Vs. S.I. of Police, Thodupuzha and others [2014 (4) KHC 81]** (paragraph 5), the petitioner has to move the District Telecom Committee headed by the District Collector for redressal of the grievance at the first instance. It is accordingly that Ext.P3 application has been preferred on 08.01.2015. The delay in considering the same made the petitioner to approach this Court by way of the present writ petition.

2. Heard the learned Government Pleader as well.

3. Considering the limited extent of relief sought for, this

Court does not find it necessary to issue notice to the addl. 5<sup>th</sup> respondent.

4. The writ petition is disposed of, directing the 3<sup>rd</sup> respondent to cause the matter to be considered by the District Telecom Committee and to pass appropriate orders on Ext.P3 in accordance with law, after affording an opportunity of hearing to all concerned, in conformity with Ext.P5. This shall be done at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3<sup>rd</sup> respondent, for further steps.

**P.R. RAMACHANDRA MENON,  
JUDGE**

sp