

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3147 of 2015 (P)

PETITIONER :

**PALATHRA CONSTRUCTIONS (PVT) LTD.,
THURUTHY, CHANGANASSERY, KOTTAYAM DISTRICT
REPRESENTED BY ITS MANAGING DIRECTOR,
MR. SHIBU MATHEW, AGED 49 YEARS**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS :

- 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
KOTTAYAM DISTRICT - 686 001.**
- 4. DISTRICT TELECOM COMMITTEE,
COLLECTORATE, KOTTAYAM-686 001.
REPRESENTED BY ITS CHAIRMAN**
- 5. INDUS TOWERS LIMITED,
CIRCLE ONE AT VANKARATH TOWERS, 8TH FLOOR, NH-47
PALARIVATTOM, KOCHI - 682 024
REPRESENTED BY ITS HEAD LEGAL, PREMAKRISHNAN NAIR.**

R1 BY GOVERNMENT PLEADER

R2 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE BUILDING PERMIT NO. A1-1317/12
DATED 27/09/2012 ISSUED BY THE KOZHUVAANAL GRAMA
PANCHAYATH.
- EXHIBIT-P2: TRUE COPY OF THE PURCHASE ORDER DATED 30/04/2014 ISSUED BY
THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT-P3: TRUE COPY OF THE COMMON ORDER DATED 31/12/2014 PASSED BY
THE TRIBUNAL IN APPEAL NO. 156/2014 AND APPEAL NO. 167/2014.
- EXHIBIT-P4: TRUE COPY OF THE BUILDING PERMIT NO. A4-6993/2013
DATED 21/08/2014 ISSUED BY THE KOOROPPADA GRAMA
PANCHAYATH.
- EXHIBIT-P5: TRUE COPY OF THE PURCHASE ORDER DATED 12/12/2014 ISSUED BY
THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT-P6: TRUE COPY OF THE BUILDING PERMIT NO. A4-142/2013 DATED
19/01/2013 ISSUED BY THE VAKATHANA GRAMA PANCHAYATH.
- EXHIBIT-P7: TRUE COPY OF THE PURCHASE ORDER DATED 30/12/2014 ISSUED BY
THE 5TH RESPONDENT TO THE PETITIONER.
- EXHIBIT-P8: TRUE COPY OF THE PETITION DATED 14/10/2014 SUBMITTED BEFORE
THE 3RD RESPONDENT.
- EXHIBIT-P9: TRUE COPY OF THE RECEIPT DATED 14/10/2014 ISSUED FROM THE
OFFICE OF THE 3RD RESPONDENT.
- EXHIBIT-P10: TRUE COPY OF THE PETITION DATED 08/12/2014 SUBMITTED BEFORE
THE 3RD RESPONDENT.
- EXHIBIT-P11: TRUE COPY OF THE PETITION DATED 06/01/2015 SUBMITTED BEFORE
THE 3RD RESPONDENT.
- EXHIBIT-P12: TRUE COPY OF THE RECEIPT DATED 07/01/2015 ISSUED FROM THE
OFFICE OF THE 3RD RESPONDENT.
- EXHIBIT-P13: TRUE COPY OF THE G.O(MS) 31/2014/ITD DATED 05/11/2014.
- EXHIBIT-P14: TRUE COPY OF THE JUDGMENT DATED 21/01/2015 IN
W.P(C) 2212/2015.

RESPONDENT(S)' EXHIBITS

:

NIL.

//TRUE COPY//

P.A. TO JUDGE

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 3147 of 2015

Dated this the 6th day of February, 2015

JUDGMENT

The learned counsel for the petitioner submits that, the petitioner finds it extremely difficult to execute Exts.P2, P5 and P7 work awarded by the 5th respondent, because of the stiff opposition and resistance by the local public, taking the law into their hands. Pursuant to Ext.P13 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 Exts.P8, P10 and P11 applications have been preferred. 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 5th respondent for the time being.

4. The writ petition is disposed of, directing the 3rd respondent to cause the matter to be considered by the District Telecom Committee and to pass appropriate orders on Exts.P8, P10 and P11 in accordance with law, after affording an opportunity of hearing to all concerned, in conformity with Ext.P13. This shall be done at the earliest, at any rate, within 'one month' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 3rd respondent for further steps.

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

kp/-