

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WP(C).No. 9152 of 2012 (T)

PETITIONER(S):

1. **INDUS TOWERS LIMITED,
8TH FLOOR, VANKARATH TOWERS, N H BYPASS
PALARIVATTOM, KOCHI-24
REPRESENTED BY ITS DEPUTY GENERAL MANAGER,
M.N.PREMA KRISHNAN NAIR, AGED 49 YEARS, SON OF NARAYANAN NAIR
DEPUTY GENERAL MANAGER, 8TH FLOOR, VANKARATH TOWERS
PALARIVATTOM, NH BYPASS, COCHIN-24.**
2. **POSIDON INFRASTRUCTURE PVT.LTD.
HAVING REGISTERED OFFICE AT GOKUL BUILDING
VISHARAMBHAG, SANGLI, MAHARASHTRA-416 415
BRANCH OFFICE AT MIG 151, SRISAILAM, GANDHI NAGAR
ERNAKULAM-682 020
REPRESENTED BY ITS MANAGING DIRECTOR MR.RAMESH GUNANI
THROUGH HIS POWER OF ATTORNEY HOLDER
VINOD NAIR
S/O.VASUDEVAN NAIR, HOUSE NO.31/1028 S, 1ST FLOOR
FRIENDS AVENUE 1, FATIMA CHURCH ROAD
ERNAKULAM.682 019.**

**BY ADVS.SRI.KRISHNA PRASAD. S
SRI.VINOD ANTONY.K.A**

RESPONDENT(S):

1. **THE VILLAGE OFFICER
KUMBALANGHI VILLAGE OFFICE, KUMBALANGHI
ERNAKULAM DISTRICT-682 007.**
2. **THE DISTRICT COLLECTOR
COLLECTORATE, KAKKANAD, ERNAKULAM. PIN-682 030.**
3. **THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.P.K.ABDUL RAHMAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-11-2015,
ALONG WITH WPC. 15874/2012, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

VS

WP(C).No. 9152 of 2012 (T)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1- A TRUE COPY OF THE LICENSE ISSUED IN FAVOUR OF THE 1ST
PETITIONER DATED 10.1.2008 BY THE GOVERNMENT OF INDIA**
- EXT.P2- A TRUE COPY OF THE BUILDING PERMIT NO.D-184/2011-12 DATED
1.12.2011 ISSUED BY THE SECRETARY; KUMBALANGHI GRAMA
PANCHAYAT**
- EXT.P3 - A TRUE COPY OF THE ORDER PASSED BY THIS HONOURABLE COURT
IN WPC.NO.1007/2012 DATED 23.1.2012**
- EXT.P4 - A TRUE COPY OF THE ORDER MADE IN IA.NO.144/2012 IN APPEAL
NO.72 OF 2012 OF THE COURT OF THE TRIBUNAL FOR SELF
GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM DATED
30.1.2012**
- EXT.P5 - A TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT
THROUGH 1ST RESPONDENT DATED 4.4.2012 IN PETITION SUBMITTED
BY THE WARD MEMBERS.**
- EXT.P6 - A TRUE COPY OF THE ORDER PASSED BY THIS HONOURABLE COURT
IN WPC.NO.14929/2010 DATED 28.9.2011**

RESPONDENT(S)' EXHIBITS :

NIL

/TRUE COPY/

PA TO JUDGE

VS

A.M.SHAFFIQUE, J.

W.P.(C).No.9152 of 2012

Dated this the 11th day of November, 2015

JUDGMENT

Petitioners challenge the stay order passed by the District Collector, on the basis of a complaint given by a private party before the District Collector. Petitioners submit that it has undertaken the work of construction of a mobile telecommunication tower and on the basis of Ext.P5 complaint dated 07.03.2012, the District Collector had stayed the construction of the tower until further orders. According to the petitioner the order passed by the District Collector is totally invalid as the District Collector has no power to issue such proceedings, which has been clarified by the learned Senior Judge of this Court in WPC.No.14929/2010.

2. It is now brought to the notice of this Court that the construction of the tower had already been completed. Under such circumstances, there is no necessity to consider this matter on merits. If the

petitioner has any further grievance in the matter, he can approach the District Collector and seek for modification of the order.

With the above observation, this writ petition is dismissed.

Sd/-
A.M.SHAFFIQUE
JUDGE

VS