

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYASHTA, 1937

WP(C).No. 17495 of 2015 (J)

PETITIONER(S):

**INDUS TOWERS LTD.,
VANKARATH TOWER, 8TH FLOOR, N.H.BYE-PASS,
PALARIVATTOM, KOCHI-24,
REPRESENTED BY ITS DULY AUTHORIZED REPRESENTATIVE
PREMAKRISHNAN NAIR M.N., HEAD LEGAL.**

BY ADV. SRI.P.SATHISAN

RESPONDENT(S):

- 1. AMBALLOOR GRAM PANCHAYATH,
REPRESENTED BY ITS SECRETARY, AMBALLOOR,
KULAYATHIKKARA, ERNAKULAM DISTRICT-682 315.**
- 2. DISTRICT COLLECTOR,
COLLECTORATE, ERNAKULAM-682 030.**
- 3. DISTRICT TELECOM COMMITTEE,
REPRESENTED BY DISTRICT COLLECTOR, COLLECTORATE,
ERNAKULAM-682 030.**
- 4. THE SUPERINTENDENT OF POLICE,
ERNAKULAM DISTRICT-682 031.**

R2 TO R4 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 17495 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: CERTIFICATE OF INCORPORATION OF PETITIONER.

**EXT.P1(A): THE CERTIFICATE ISSUED BY GOVT. OF INDIA WITH RESPECT OF THE
NAME CHANGE.**

**EXT.P2 THE RELAVANT NOTIFICATION CONFERRING THE STATUS O TELEGRAPH
AUTHORITY ON THE PETITIONER.**

EXT.P3 TRUE COPY OF BUILDING PERMIT.

**EXT.P4: TRUE COPY OF THE OWNERSHIP CERTIFICATE BEARING NO.B/01/08
DATED 17.08.2009.**

**EXT.P5: TRUE COPY OF NOTICE ISSUED FOR DISTRICT COLLECTOR BEARING
NUMBER 2-3860615 DATED 5.6.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.17495 of 2015

Dated this the 11th day of June, 2015.

JUDGMENT

The petitioner is a telecom infrastructure service provider and as per Ext.P3 Use Certificate of the year 2008, the telecom tower was completed in all respects and was operational at least since 2009. The petitioner alleges that the same is legally complete in all respects. The petitioner alleges that during rainy season on account of lightning, electrical equipments of a few of the local residents in the vicinity of the site got damaged, the reason for which was attributed to telecom tower which is amply protected by lightning arresters and similar protective equipments. However, the operation of the tower and maintenance are under obstruction by local residents. The tower is operational, which is directed to be perfected by the second respondent, in consultation with 1st respondent panchayat. However, panchayat has to expedite the matter and delay shall be extremely fatal to the petitioner.

The petitioner alleges that presently, the petitioner has received Ext.P5 notice from the third respondent intimating the proceedings of the District Telecom Committee. The petitioner is also entitled for a hearing. An early disposal of the proceedings before the District Collector and due compliance of direction in the notice by the first respondent panchayat is also highly essential. It is with this background, the petitioner has come up before this Court.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

3. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the third respondent headed by the second respondent to consider Ext.P5 within a time frame. It is also submitted that as it is necessary to erect lightning arresters, the petitioner will have to enter the property and a direction shall be issued to the 4th respondent to ensure that no law and order problem arises on account of the same.

Considering the nature of the submissions and the nature of the prayer, the writ petition is disposed of directing the third respondent to consider and pass orders on Ext.P5 within a period of one month from the date of receipt of a copy of this judgment. The petitioner shall have permission to enter the premises and undertake immediate maintenance works. The fourth respondent is directed to ensure that no law and order problem arises in the locality on account of such maintenance.

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.