

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: MAY 04, 2015

Malkit Singh

.....Petitioner

VERSUS

Union of India and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Ranjivan Singh, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASI, J. (ORAL)

It is the contention of counsel for the petitioner that the petitioner is owner in possession of 1/4th share of the land against Khewat No.10/17, Khatauni No.10 in the revenue estate of Village Mouli Baidwan (Sector 80), Tehsil and District Mohali. He has constructed a show room upto second floor over the said piece of land. Respondent No.6, who is neighbour of the petitioner, has got installed a mobile tower of Reliance Industries Limited on the common wall, because of which the petitioner is unable to further construct the show room as the said mobile tower is causing hindrance in the said construction. In any case, he contends that the mobile tower could not have been installed on the common wall without the consent of the petitioner. This, he contends, is in violation of the bye-laws as also the Advisory Guidelines issued by the Department of Telecommunication to the State Governments for issuance of clearance for installing of mobile towers, which have come into force with effect from

01.08.2013.

Counsel further contends that the petitioner has already served a legal notice dated 22.03.2015 (Annexure P-6) upon the respondents, which has not been responded to. He further states that the petitioner shall also submit a representation to the Estate Officer, Greater Mohali Area Development Authority, Mohali, within a period of two weeks from today, highlighting therein the violations of the provisions of law, which do not permit such an action to be taken by respondent No.6 without the consent of the petitioner, which may be directed to be considered and decided within some specified time.

In view of the statement made by the counsel for the petitioner and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with directions to respondent Nos.1 to 4 to consider and decide the legal notice dated 22.03.2015 (Annexure P-6) within a period of two months from the date of receipt of certified copy of this order.

In case the petitioner submits a representation to the Estate Officer, Greater Mohali Area Development Authority, Mohali, within a period of two weeks from today, the same shall also be considered and decided by the said Authority within a period of two months from the date of submission of such representation. Respondent Nos.1 to 4 as also the Estate Officer, Greater Mohali Area Development Authority, Mohali, are directed to convey the decision so taken by them to the petitioner forthwith.

May 04, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE