

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2206 of 2015**

- Viom Networks Ltd. (A Registered Company Under Companies Act 1956, Which Was Formally Known As Wireless TT Info Services LTD) Having Its Circle Office At : Plot No. 162, Modi Heights, M. P. Nagar Zone Il, Bhopal (Madhya Pradesh) Through Its Power Of Attorney Holder Mr. Devesh Sharma S/o Shri M. C. Sharma Aged About 38 Years, Having Office Address At Viom Networks Ltd., Plot No. 162, Modi Heights, M. P. Nagar Zone- Il, Bhopal (Madhya Pradesh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Principal Secretary, Panchayat And Rural Development Department, Mantralaya, Naya Raipur (Chhattisgarh)
2. Director, Panchayat And Rural Development Department, Post G. P. O., P. S. Gole Bazar, Raipur (Chhattisgarh)
3. Gram Panchayat Sikosa Through Its Sarpanch, Janpad Panchayat Gunderdehi, District Balod (Chhattisgarh)
4. Chhattisgarh Power Distribution Co. Ltd. Through Junior Engineer Sikosa, District Balod (Chhattisgarh)

---- Respondent

For Petitioner : Shri Shishir Dixit, Advocate.
 For Respondent/State : Shri RK Gupta, Deputy AG.
 For Respondent No.3 : Shri Amiyakant Tiwari, Advocate.
 For Respondent No.4 : Shri K.R. Nair, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****13/01/2016**

1. The petitioner is an Infrastructure Provider Company and is lending

services to the Mobile Service providers. The writ petition has been preferred seeking direction to respondent No.3 to grant No Objection to the petitioner company for operating the mobile towers and for further direction to respondent No.4 to grant electricity connection to operate the said mobile towers.

2. Shri Tiwari, learned counsel appearing for respondent No.3 would submit that the petitioner has not moved an application accompanied with required fee and other necessary documents before the Gram Panchayat, therefore, the Gram Panchayat has resolved to reject the application.
3. Shri Nair, learned counsel appearing for respondent No.4 would submit that if the mobile tower is erected in accordance with law after due permission from the Gram Panchayat, respondent No.4 has no objection in giving electricity connection/supply for the mobile tower.
4. It appears, the State Government has issued guidelines/circular for grant of permission to lay the cable lines and erect mobile towers in the Gram Panchayat area. The said circular dated 28.3.2012 has been annexed with the writ petition as Annexure-P/10. The circular also mentions the grounds on which permission to erect tower can be refused.
5. Let the petitioner move a fresh application before the Gram Panchayat along with required fee and document for obtaining No Objection for operating mobile tower. Let the application be filed within 15 days

from today and thereafter the Gram Panchayat shall consider and take decision on the application within a period of one month thereafter, failing which it shall be the case of deemed permission as contemplated under Clause-2 of the circular dated 28.3.2012. The Gram Panchayat may also provide personal hearing to the petitioner before taking decision on the application.

6. The writ petition is disposed of accordingly.

Sd/-
Judge
(Prashant Kumar Mishra)

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