

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12412 of 2014

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Rama Shankar Chaudhary Son of Yogendra Chaudhary, Resident of Mohalla Santar, Ward No. 13, P.O. + Police Station and District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Lakhisarai.
2. The Sub Divisional Officer, Sadar Lakhisarai.
3. The Chief Executive Officer Nagar Parishad Lakhisarai.
4. The Office in charge, Town P.S. Lakhisarai.
5. The Chairman Bihar State Pollution Control Board Beltron Bhawan, Lal Bahadur Shastri Nagar, Patna-1.
6. The Managing Director Reliance Telecom Biscomaun Building 6th Floor, Gandhi Maidan, Patna.
7. Sidheshwar Prasad Singh Son of Late Yugal Kishore Singh, Resident of Mohalla Santar, Ward No. 13, P.O. + Police Station and District Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha and Mr. Rabi Bhushan, Advocates
For the State	:	Mr. Nagendra Prasad Yadav, S.C. 23 Ms. Vijaya Laxmi Srivastava, Advocate
For the Respondent No. 5	:	Mr. Shivendra Kishore, Sr. Advocate
For the Respondent No. 3	:	Mr. Avinash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-02-2017

Heard learned counsel for the parties.

The petitioner is aggrieved by the construction of a mobile tower by the respondent no. 7, without due sanction of law.

Learned counsel for the petitioner submitted that initially when the tower was being erected, on a compliant, the Nagar Parishad, Lakhisarai had directed the respondent no. 7 to stop any further construction, but still the same has continued and the Nagar Parishad has also written to the S.H.O., Town P.S., Lakhisarai to ensure that the construction work is stopped but the tower has since



been erected.

Mr. Shivendra Kishore, learned senior counsel for the respondent no. 5 submitted that they have not got any application for any approval with regard to the generator set which is used for operating the mobile tower and at this stage, they have no role to play.

Learned counsel for the Nagar Parishad, Lakhisarai has submitted that they have also not granted ‘No Objection Certificate’ either to the respondent no. 6 or 7 and in that view of the matter, the tower, even if it has been constructed being illegal, cannot be used, and in fact, had directed for stopping the work. However, on a query of the Court as to what steps are proposed to ensure that the illegal construction is removed, learned counsel submitted that they shall take immediate steps for removal of the tower in question.

In view of the aforesaid, the writ application stands disposed off with a direction to the Nagar Parishad, Lakhisarai to take necessary action in the matter within one month from today.

(Ahsanuddin Amanullah, J.)

P. Kumar

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