

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

Civil Writ Petition No.1599 of 2015

Date of Decision: March 27, 2017

Reliance Communications Ltd.

...Petitioner

Versus

Municipal Corporation, Amritsar & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Pankaj Jain, Advocate,
for the petitioner.
Mr.Sanjeev Soni, Advocate,
for respondent No.1.
Mr.Yatinder Sharma, Addl.A.G.Punjab,
for the State.

AMIT RAWAL, J. (Oral)

The grievance of the petitioner in the present writ petition is that in view of the guidelines issued by the Government Annexure P-2 dated 13.7.2004, an application was moved in May, 2007 to the Municipal Corporation, Amritsar seeking permission. The NOC by the residents and Structural Stability Certificate are Annexure P-9 (colly). Some other writ petition was filed and this Court passed order dated 22.3.2011 directing the Municipal Corporation to pass the speaking order. The authorities passed the speaking order on 29.9.2011 without assigning any reasons. In pursuance to that, a notice dated 12.10.2011 was served. The order dated 29.9.2011, as per sub-section (2) of Section 269 of the Punjab Municipal Corporation Act, 1976, is appealable before the District Judge. Resultantly, an appeal was filed, but the same was dismissed vide order dated 17.9.2014 (Annexure P-12). In this regard, Mr.Pankaj Jain has relied upon the advisory

guidelines of the Department of Telecommunications for State Governments for issuance of clearance for installation of Mobile Towers with imposition of suitable penalty in case it is not sufficing to the requirement and submitted that petitioner has already paid a sum of Rs.10000/- as one time charges and Rs.5,000/- as annual charges is being paid.

Instead of pondering upon this issue, I am of the view that the matter can be adjudicated by treating the present writ petition as representation by granting opportunity to the petitioner to raise all these pleas as indicated above much less other documents to the Municipal Corporation, Amritsar for seeking permission. The Municipal Corporation, while treating the present writ petition as representation and additional documents, shall take a decision thereon after affording opportunity and much less alleged complaint and decide the matter in controversy particularly in view of the guidelines of 2004 and latest guidelines of 2013, i.e., w.e.f. 1.8.2013 in a most objective and pragmatic manner. Let this decision be taken within a period of two months.

Mr.Pankaj Jain submits that this Court vide order dated 2.2.2015 had already kept the action of the Corporation in abeyance till the next date of hearing, whereas Sanjeev Soni, learned counsel for respondent No.1 submits that the action had already been implemented. Be that as it may, I do not deem it appropriate to pass any restraint order, but there shall be status-quo till then.

Writ Petition stands disposed of.

March 27, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No