

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.27351 of 2016.

Date of Decision: January 09, 2017

Neelkanth Welfare Society (Regd.)

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Manoj Kaushik, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is a Residents Welfare Society representing the interest of residents of Sector-4, Gurgaon. In the instant writ petition, the petitioner questions the order dated 10.02.2016 vide which the Estate Officer-I, HUDA, Gurgaon has accorded permission to 5th respondent to install a mobile tower allegedly within 50 meters from the residential area. According to the petitioner, such permission is in violation of the Government Policy as notified on 11.06.2014 (P-1).

One of the prayer in the writ petition is that the petitioner has represented against the above-stated permission accorded by the Estate Officer, to the Deputy Commissioner, Gurgaon. Similarly, a representation has been made to the Estate Officer-I, HUDA, Gurgaon also for the recall/ modification of his order. The prayer is that the authorities be directed to decide those representations.

Since the question whether the mobile tower is being installed

within 50 meters of the residential area and whether or not it violates the Government Policy, is essentially a question of fact and also keeping in view the prayer made by the petitioner-Society, we dispose of this writ petition with a direction to the Deputy Commissioner, Gurgaon to ascertain the correct facts and take remedial action as may be required in accordance with the Government Policy. The needful shall be done within a period of two months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

January 09, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No