

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1739 of 2017

1. Kamta Prasad Singh and Anr son of Chandrika Singh.
2. Manish Kumar Singh son of Late Rambilash Singh Both are resident of village- Baijnathpur, Police Station- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The Chairman, Telecom Regulatory Authority Of India T R A I
2. Tata Teleservices Limited, Videsh Sanchar Bhawan 1/18, CIT Scheme, VIT-M, Ultadanga, Kolkata WB.
3. VIOM Network Limited, P.S. Srijan Tech Park, DN- 52, Sector- V, 13th Floor, Salt Lake City, Kolkata

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Agreya Pratap
		Mr. Manish Kumar No-2
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-02-2019 Heard learned counsel for the parties.

2. This writ application has been filed seeking direction to the respondent Telecom Regulatory Authority of India (TRAI) to initiate action against Tata Teleservices Limited (Respondent No.2) and VIOM Network Limited (Respondent No.3) as according to him, the business which the respondent No.2 was running after installation of tower on the land held by the petitioners had been unauthorizedly transferred to respondent no.3 who has subsequently wrapped up the whole business.

3. On perusal of the writ application and upon hearing



Mr. Agreya Pratap, learned counsel for the petitioners, it appears that it is the case of the petitioners that there was an agreement between the petitioners and the Tata Teleservices Limited for erection of mobile tower on a piece of land bearing Khata No.78, Plot No. 1956 admeasuring an area of 2600 Sq. feet. Under the agreement, the respondent No.2 was to pay of Rs. 48,000/- per annum. However, without informing the petitioner, the respondent no.2 transferred the tower to respondent no.3 Viom Network Limited. It is their case that the petitioners have not been paid their rent for substantial period and in any view of the matter, the respondent No.2 ought not to have transferred the tower to respondent No.3 without informing the petitioners and without his consent.

4. Be that as it may, in my view, *inter parties* dispute between the petitioners and the respondent Nos. 2 and 3 need not be gone into in the present proceeding under Article 226 of the Constitution of India.

5. The Respondent Nos. 2 and 3 are admittedly not state within the meaning of Article 12 of the Constitution of India. This petition therefore, cannot be entertained.

6. The petitioners shall, however, be at liberty to approach competent forum or civil Court of competent



jurisdiction for redressal/adjudication of their dispute.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

