

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 810 OF 2019**

PLACID MIGUEL JOSE DE SOUZA AND 3

ORS.

... Petitioners

Versus

MAPUSA MUNICIPAL COUNCIL, THR. ITS

CHIEF OFFICER AND 6 ORS.

... Respondents

Mr. Nigel Da Costa Frias and Ms. L. Sawant, Advocates for the
Petitioners.

Mr. D. Pangam, Advocate General with Ms. M. Correia, Addl.
Government Advocate for Respondent Nos.5 and 7.

Coram:- M. S. SONAK &

NUTAN D. SARDESSAI, JJ.

Date:- 24th September, 2019

P.C.

Heard Mr. Nigel Da Costa Frias, learned counsel for the
Petitioners.

2. Mr. D. Pangam, learned Advocate General alongwith Ms.
M. Correia, learned Addl. Government Advocate appears on behalf of
Respondent Nos.5 and 7.

3. In the order which we propose to make in this petition, we
do not think that there is any necessity of service of notice upon the

remaining Respondents, since, the remaining Respondents, will if necessary be heard by the State Telecom Committee-Respondent No.5 herein.

4. The main grievance of the Petitioners in this petition is that the Cellphone Transmission Tower installed at Plot No.7, Chalta No.3A, PT Sheet No. 90 within the jurisdiction of Mapusa Municipal Council is an illegal and unauthorised installation. The Petitioners, have several grievances in relation to this installation.

5. From the record, we find that the Petitioner No.1 had made a detailed complaint to the State Telecom Committee some time in March, 2018. This was followed also by a reminder dated 21.04.2018. Till date, the grievances of the Petitioners do not appear to have been addressed by the State Telecom Committee.

6. The Department of Science, Technology and Environment, State of Goa vide Notification dated 28.11.2013 has issued guidelines for installation of Mobile Base Station Towers in the State of Goa. Amongst other matters, Clause V of these guidelines reads as follows :

“V. In order to effectively address Public Grievances relating to installation of towers and issues related to telecom infrastructure, State Governments has constituted State-level Telecom Committee (STC) comprising the following Members:

(a) Chief Secretary

Chairman

- The Chairman of the STC is empowered to invite / co-opt any subject expert/NGO to the meeting. Further, a representative of the Telecom Service Provider (TSP) concerned may be heard / called for prior to take a final decision in the matters.”*

7. The aforesaid indicates that the State Government has constituted State Level Telecom Committee (STC), with the Chief Secretary, State of Goa as its Chairman, in order to effectively address public grievances relating to the installation of towers and issues relating

to telecom infrastructure. The STC is therefore required to look into the complaints/grievances of the Petitioners and to effectively address the same, no doubt, in accordance with law and after due compliance with the principles of natural justice and fair play.

8. As noted above, the complaints made by Petitioner No.1 are pending before the STC. Mr. D. Pangam, learned Advocate General for the State of Goa states that the complaints/grievances of the Petitioners will be addressed and disposed of by the STC within two months from today.

9. We accept the aforesaid statement and direct the STC to act consistent with such statement and dispose of the Petitioners' complaints as expeditiously as possible and in any case within a period of two months from today. The STC will have to apply the principles of natural justice, in that, the STC will have to issue necessary notice *inter alia* to Respondent Nos.2 and 3. In case the STC feels that the presence of any other parties is necessary, the STC is at liberty to issue notices to such parties as well for the purpose of effectively addressing the grievances of the Petitioners. The STC will have to afford opportunity of hearing *inter alia* to the Petitioners and Respondent Nos.2 and 3. We further clarify that in case any parties are aggrieved by the decision of STC, they will have liberty to take out appropriate proceedings for seeking redressal.

10. All contentions of parties are expressly kept open for determination by the STC in accordance with law and on their own merits.

11. With the aforesaid directions, this petition is disposed of.

12. All concerned to act on the basis of the authenticated copy of this order.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

at*