

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 1030 OF 2019

CHANDRAKANT U. KALANGUTKAR AND 3
ORS., ... Petitioners

Versus

INDUS TOWERS LTD., THR. ITS AUTH.
OFF., NILESH MAHANGADE AND 8 ORS., ... Respondents

Mr. B. Pacheco, Advocate for the Petitioners.
Mr. M. Salkar, Government Advocate for Respondent Nos.3, 4,
5, 7 and 9.

Coram:- M. S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 10th December, 2019

P.C.

Heard Mr. Pacheco, learned counsel for the Petitioners and
Mr. M. Salkar, learned Government Advocate for Respondent
Nos.3, 4, 5, 7 and 9.

2. In view of the order which is proposed to be made, we do
not think that it is necessary to issue any notices to the remaining
Respondents.

3. Mr. Pacheco, learned counsel for the Petitioners submits
that the Respondent No.1 has put up an illegal telecom tower at
Ponolem, Aldona, Bardez Goa. He submits that the Panchayat

has already initiated action against the same but such action was set aside by the Additional Director of Panchayats. Against the order of the Additional Director, the Petitioners have taken out the proceedings before the District Court and the same are pending. He points out that in the meanwhile, the Respondent No.1 by making the use of Panchayat's NOC which has already been kept in abeyance has applied for and has obtained electricity connection to the telecom tower. He submits that the use of such NOC was fraudulent and in any case the Electricity Department should not have granted any electricity connection once the Panchayat had issued a demolition order of the telecom tower. He points out that the Petitioners have made a complaint to the State Telecom Committee (Public Grievances) i.e. Respondent No.7, way back on 14th August, 2019 and the same has not been disposed of. In these circumstances, he submits that the electricity connection be ordered to be revoked and operations at the telecom tower be stopped.

4. According to us, it may not be possible to grant relief in terms as prayed for by Mr. Pacheco at this stage. However, Mr. Pacheco is right in his submission that the grievance made by the Petitioners before the Respondent No.7 is required to be disposed of in accordance with law, expeditiously.

5. Accordingly, without commenting upon the merits or

otherwise of the complaint of the Petitioners, we direct the Respondent No.7 to dispose of the Petitioners' complaint dated 14th August, 2019, in accordance with law and on its own merits as expeditiously as possible and in any case on or before 31st January, 2020. In so disposing of the complaint, naturally the Respondent No.7 will have to comply with the principles of natural justice and fair play. This will include afford of opportunity of hearing to the Respondent No.1 as well as the Petitioners. Therefore, we clarify that the complaint of the Petitioners will have to be disposed of after hearing the Petitioners as well as the Respondent No.1. The Respondent No.7 is at liberty to afford opportunity of hearing inter alia to the officers of the Electricity Department and the Village Panchayat, if it so finds appropriate.

6. With the aforesaid directions, this petition is disposed of. All contentions of the parties are expressly kept open for decision by the Respondent No.7.

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

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.