

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3852 of 2020

=====

Upendra Narayan Son of Chhote Narayan Yadav Resident of Village- Ner,
P.O.- Makarpur, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner Magadh Division, Gaya.
3. The District Magistrate Jehanabad.
4. The Sub Divisional Officer Jehanabad.
5. Circle Officer Makhdumpur, Jehanabad.
6. Bharti Infra Tel Limited Through its authorized signatory Alankar Business Centre, 2nd floor, East Boring Canal Road, Budha Colony, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ritika Rani
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-02-2020 Petitioner has prayed for following reliefs:-

“ (a) For commanding the State respondents to not install and construct Mobile Tower of Bharti Infra Tel Limited over Khata No.157, Plot No.895 in the land of Asha Devi wife of Ram Uday Sharma, resident of village- Ner Makarpur, P.S. Makhdumpur, District- Jehanabad which is 50 meter away from Govt. Middle School, Makarpur under Makarpur Panchayat, Block- Makhdumpur, District, Jehanabad which is contrary to Section 4 of the Bihar communication tower and limited of Rule 2012.



(B) Also directing the District Magistrate, Jehanabad to take appropriate action against the private respondents who has taken all steps to install tower for providing cellular mobile telephone of Bharti Infra Tel Limited over Khata No.157, Plot No.895 which is 50 meter away from the Govt. Middle School, Ner Makarpur, under Panchayat- Makarpur, Block- Makhdumpur, District- Jehanabad which is against the health and interest of the students and public.

(c) Also for necessary relief/releifs, order/orders, direction / directions for which the petitioner is entitled in the eye of law.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of two months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law,
before the appropriate forum, the same shall be dealt with, in
accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

U			
---	--	--	--

