

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 576 of 2020

Tower Vision India Limited (A Registered Company Under Companies Act 1956, Having Its Regd Office At L-2a, Hauz Khas Enclave, New Delhi And Circle Office At A-201, IInd Floor, Muskan Residency, Opposite Colors Mall, Near Pachpedi Naka, Raipur Chhattisgarh Through Its Power Of Attorney Holder Shri Shailendra Singh Shinde, S/o D.S. Shinde, Aged About 38 Years And Working As Senior Executive (Legal), Having Office At A-201, IInd Floor, Muskan Residency, Opposite Colors Mall, Near Pachpedi Naka, Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Its Principal Secretary, Department of Urban Administration And Development, Mantralaya, Naya Raipur Chhattisgarh.
2. Municipal Council Bhilai, Through Its Commissioner, Municipal Council Bhilai Chhattisgarh.
3. The Building Permission Officer, O/o. Municipal Council Bhilai Chhattisgarh.

---Respondents

For Petitioner	:	Shri Shishir Dixit, Advocate.
For State	:	Shri Jitendra Pali, Dy. Advocate General.
For Respondent 2&3	:	Shri Apurv Goyal, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.02.2020

1. The challenge in the present writ petition is the notice dated 06.03.2019 issued by the respondent No.2.
2. It appears that the petitioner, at the first instance, was granted permit for erection and installation of towers for the purpose of telecom service. The validity of the said permit was till 31.03.2019. However, the respondent No.2 itself vide impugned notice dated 06.03.2019 (Annexure P/4) has stopped the petitioner from carrying on with the erection part till a decision is taken by the Municipal Corporation, based upon certain complaints that the Municipal Corporation had received in respect of erection of the mobile tower at the said area.

3. The counsel for the petitioner submits that he has submitted his response to the said notice immediately on 12.03.2019 itself and also approached the authorities for early decision on the said proceeding, but till date the same has not been finalized and prays for an appropriate direction to either quash the notice dated 06.03.2019 or to direct the respondent No.2 to take a decision on the said notice at the earliest.
4. The counsel for the respondent authorities submits that he does not have any instructions as to whether any final order has been passed pursuant to the notice dated 06.03.2019 or not.
5. Considering the entire facts and circumstances of the case, particularly taking note of the fact that the impugned order date 06.03.2019 is only a notice issued to the petitioner by the respondent No.2, this court is of the opinion that ends of justice would meet if the writ petition is disposed of with a direction to the respondents No.2&3 to take a decision on the notice dated 06.03.2019, if it has not been concluded, preferably within a period of 90 days from the date of receipt of copy of this order.
6. It is made clear that in case if the impugned notice dated 06.03.2019 has already been finalized by an order already passed, nothing further remains to be passed.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge