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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 6258 of 2022
Date of Decision: 28.03.2022

Adarsh Education Society (Regd.) and others

-Petitioners

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.S. Rana, Advocate, and
Mr. Arvind Kumar Sharma, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (Oral)

Petitioners have preferred this petition for the issuance of an appropriate writ, order or direction especially in the nature of mandamus directing respondent No.2 to take necessary action to decide the representations dated 09.02.2022 and 16.02.2022 filed by the petitioners.

Learned counsel for the petitioners submits that petitioner No.1 is an educational society running a school in village Kharkhari, District Gurgaon since 1998-99. In the year 2015, an effort was made to install a mobile tower of BSNL/Tata/Airtel illegally in the land adjacent to the school, temple, library and residential house in the village.

On the representations of the petitioners, the process of installation was thwarted. Now again vide letter dated 11.02.2022, office of Block Development and Panchayat Officer has written to respondents No.6 and 7 in the context of permission granted by the Block Office of the area for installation of mobile tower.

Learned counsel for the petitioners submits that installation of such tower has to be avoided as far as possible in residential area in view of government policy also. As per communication received by respondents No.6 and 7, permission has been granted for installation of micro cell base station (pole) under the relevant bye-laws and such an action would be in contravention of government policy of installing towers in residential area.

Notice of motion.

On the asking of the Court, Mr. Vivek Chauhan, Addl. A.G., Haryana accepts notice on behalf of State of Haryana.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon any response from the respondents, as no order prejudicial to the interest of any party is being passed.

Since the installation is just near to the school and habituated village population, therefore, at this stage, without

meaning anything on the merits of the case, this writ petition is disposed of with a direction to respondent No.2 to take note of pending representations dated 09.02.2022 (Annexure P-10) and 16.02.2022 (Annexure P-17) of the petitioners in accordance with law.

In view of allegations contained in the writ petition and also in the light of precedents cited by the petitioners, it would be just and appropriate to obligate the respondent No.2 to have a pragmatic approach while deciding the representation of the petitioners strictly in accordance with law, preferably within a period of one month from the date of receipt of certified copy of this order.

28.03.2022

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No