

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

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CWP-20920-2022

Date of decision: 14.09.2022

AMIT MADAN AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Chander Shekhar Sharma, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

The instant Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of Mandamus for directing the respondent No.2 to 4, to take action for removal of the mobile tower situated at Durga Nagar, Ambala City installed by respondent No.5 with a further prayer to direct the respondent No. 2 to take the appropriate decision on the representation dated 31.08.2022 (Annexure P-1).

Learned counsel appearing on behalf of the petitioners makes a reference to the bye-laws notified by the Department of Urban Local Bodies, Haryana on 03.10.2013 to contend that the guidelines as prescribed in appendix C have not been meticulously complied with. He contends that even though a reading of the said appendix in the bye laws does not prohibit installation of roof top mobile towers, however, there are certain preferential requirements to be seen before any such permission is to be granted.

2. Upon being confronted with the fact that no such representation espousing the submissions being advanced here has been moved before the competent authority in terms of the bye laws, learned counsel for the petitioners seeks permission to with the present petition with liberty to approach the competent authority as per the bye-laws for seeking redressal of his grievance.

3. Without commenting on the merits of the instant case, the present petition is permitted to be withdrawn with liberty to the counsel for the petitioners to take recourse to approaching the authorities and pursue his case as per law.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 14, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No