

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7686 of 2022**

=====

Sunil Kumar Sinha Son of Late Kusheshwar Nath Sinha Resident of Mohalla-Ishakchak, Near Small Water Boring, P.S.- Ishakchak, Town and District-Bhagalpur (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Telecommunication, Government of India, New Delhi.
2. The State of Bihar through the District Magistrate Bhagalpur, Bihar.
3. The Municipal Commissioner Municipal Corporation Bhagalpur, Bhagalpur, Bihar.
4. The Sub- Divisional Officer Bhagalpur Sadar, Bhagalpur.
5. The Senior Superintendent of Police Bhagalpur.
6. The Secretary Bihar State Pollution Control Board, Patna.
7. Dishnet Wireless Limited Registered Office at Sterling Tower, 327 Annasalai, Teynampet Chennai- 600006.
8. Manager Regional Office Chennai Network Infrastructure Ltd. (CNIL), GTL infrastructure Ltd., Markenday Complex 3rd Floor Gayatri Mandir Road, Kankarbagh, Patna- 800020.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Satish Kumar, Advocate.  
For the State : Mr. Indeshwari Prasad Mandal, AC to GA-3

=====

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      02-01-2023                      Heard Mr. Satish Kumar, learned counsel appearing on behalf of the petitioner and Mr. Indeshwari Prasad Mandal, learned AC to GA-3.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had entered into an agreement with respondent no.7 for erection of mobile tower on top floor of his house. The petitioner's case is that as per the



terms and conditions of the agreement, the mobile tower was required to be removed within the prescribed period of 90 days after issuance of notice and that having not been duly regarded by respondent no.7, the petitioner was forced to approach the District Magistrate, Bhagalpur. He further submitted that the lessee is performing public duty by providing uninterrupted mobile facility to the customer of Airtel. He further submitted that he has made an application before the District Magistrate, Bhagalpur for removal of the said tower and the same be disposed of in accordance with law.

3. Learned counsel appearing on behalf of the State submitted that the writ petition is not maintainable. The petitioner can only avail appropriate remedy before the Civil Court for removal of the tower in accordance with law.

4. Having considered the rival submissions of the parties, though the dispute is relating to performance of the either party as per the terms and conditions of the agreement dated 15.07.2006, but taking into consideration the larger interest of the public who have been provided with the mobile connection which has become an essential service, this Court directs the District Magistrate, Bhagalpur to take appropriate legal action on the basis of the representation of the petitioner



and if it is found that the building of the petitioner is in dilapidated condition which will cause harm to the surrounding inhabitants as well as the petitioner along with other inhabitants of the said house, the District Magistrate shall take appropriate action in accordance with law.

5. Accordingly, the writ petition stands disposed of.

**(Purnendu Singh, J)**

mantreshwar/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

