

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

252

CWP-998-2022 (O&M)
Date of Decision: 16.03.2023

ATC TELECOM INFRASTRUCTURE PRIVATE LIMITED

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Aman Bansal, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. AG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition raises a challenge to the communication dated 10.1.2022 (Annexure P-5) whereby the petitioner had been directed to shift the tower. A further prays has also been made for providing protection to the aforesaid facility.

Written statement on behalf of respondents has been filed, wherein they have specifically submitted that the communication dated 10.01.2022 is not in the nature of an order and was only a request to shift the aforesaid tower. The relevant extract of the said written statement is reproduced hereinafter below:

“5. That it is pertinent to mention here that since the concerned department who had withdrawn the NOC of the petitioner company, itself requested the relocation of the mobile tower by providing an alternative site, a government land, therefore, the instant respondent considering the public interest involved and acting upon the request of the concerned officer, requested the petitioner company to shift mobile tower at the above proposed site vide Memo No.710-12 dated 10.01.2022. A copy of the said

letter dated 10.01.2022 is annexed herewith as Annexure R2/2. It is humbly submitted that it is clear from content & bare language of the said letter that the petitioner company was neither ordered nor threatened or coerced to shift the said mobile tower and was merely requested to relocate it in the light of the public interest. ”

In view of the aforesaid stand adopted by the respondents, the counsel for the petitioner submits that the present petition has become infructuous.

Disposed of as having been rendered infructuous.

16.03.2023.
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(VINOD S. BHARDWAJ)
JUDGE

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