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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15720-2022 (O&M)
Date of decision : 17.01.2023

Gram Panchayat

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhdev S. Kanwal, Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab.

VIKAS BAHL, J. (ORAL)

CM-10659-CWP-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

Main case

Short reply on behalf of respondent No.4 has been filed today in the Court which is taken on record.

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of mandamus directing respondent Nos.2 to 4 to take immediate action on the complaint/representation (Annexure P-2) written to SDM, Dasuya dated 11.07.2022 and complaint/representation written to Deputy Commissioner, Hoshiarpur dated 12.07.2022 (Annexure P-3) for restraining the installation of

mobile tower of Airtel company in the residential area.

On 02.12.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Short reply on behalf of respondents No. 2, 3 and 5 has been filed in the Court. The same is taken on record.

On the basis of the aforementioned reply, learned State counsel submits that the installation of the mobile tower has been stopped.

In the interest of justice, adjourned to 17.01.2023.

Sd/-(SUDHIR MITTAL)

JUDGE

December 02, 2022”

Learned State Counsel has referred to the short reply by way of affidavit of respondent No.5 which has been filed on behalf of respondent Nos.2, 3 and 5 more so, Annexures R-5/7 and R-5/8 and has stated that no permission has been granted by the Deputy Commissioner to install the Airtel Telecom Tower and thus, the present Civil Writ Petition has been rendered infructuous.

In view of the reply filed by learned State Counsel, learned counsel for the petitioner has submitted that the present Civil Writ Petition may kindly be disposed of as having been rendered infructuous.

In view of the above, the present Civil Writ Petition is disposed of as having been rendered infructuous.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.01.2023

Pawan

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No