

M/s. ATC India Tower Corporation Limited & Anr.

-vs-

Kamrkundu, Gopalnagar, Daluigacha Gram Panchayat &
Ors.

Mr. Rajesh Upadhyay

....for the petitioners.

The learned advocate representing the petitioners appears on virtual mode. However, no one is representing the respondents today.

The matter is taken up for consideration when learned advocate representing the petitioners submits that there is change of address of petitioner no.1 company and new incumbent has joined in place of petitioner no.2.

Since the writ petition has been filed at the instance of petitioner no.1 company it appears that the writ petition is maintainable.

On perusal of the materials available on record, it appears that the petitioner company is chiefly aggrieved by the notice dated 1st July, 2016 issued by the concerned gram panchayat authorities. Vide said notice dated 1st July, 2016 petitioner company was informed that based on a mass petition against installation of mobile towers it was decided not to regularise installation of such towers at the instance of the petitioner company.

However, it has been submitted by the learned advocate representing the petitioner

company that no steps have been taken by the panchayat authorities on such notice dated 1st July, 2016 and mobile towers of the petitioner company are functional from the date of installation.

In view of such submission being made by the petitioners it appears that though notice was issued on 1st July, 2016 not to regularise the installation of mobile towers made by the petitioner company but no coercive steps have been taken by the panchayat authorities for last seven years in spite of the fact that no restraint order has been passed by this Court on this writ petition.

In view of aforesaid scenario the present writ petition stands disposed of granting leave to the petitioner company to take steps in accordance with law, if occasion so arises in future, in consideration of the said notice dated 1st July, 2016.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)