
(2021) 01 UK CK 0076
In the Uttarakhand High Court
Case No : Writ Petition (PIL) No. 14 Of 2021

Samay Sharma

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 15-01-2021

Acts Referred:

Citation : (2021) 01 UK CK 0076

Hon'ble Judges : Raghvendra Singh Chauhan, CJ; Manoj Kumar Tiwari, J

Bench : Division Bench

Advocate : Ravi Bisht, Anil K. Bisht, Rahul Consul, Ashish Joshi

Final Decision : Disposed Of

Judgement

Raghvendra Singh Chauhan, CJ

1. The petitioner is aggrieved by the fact that the Indus Towers Ltd. â?" respondent no. 5 is permitted to erect a Mobile Tower in Aaganwadi

Campus, Shivlok Colony, Ramnagar, Raipur, Dehradun.

2. The learned counsel for the petitioner submits that since the Mobile Tower may adversely affect, not only the children, who will be attending the

Aaganwadi Campus, but also others, who resides in the residential area of the colony, the respondent nos. 1, 2, 3, 4 and 6 should be directed to move

the Mobile Tower to some other place.

3. This Court has asked the learned counsel for the petitioner, if there is any bar, in the law, which prevents a Mobile Tower from being erected and

which have been permitted by the respondents to be erected? To this query, the learned counsel has frankly conceded that there is no bar in the law.

4. It is neither the responsibility, nor the duty of this Court to run the administration. Where a Mobile Tower should be erected is a decision that needs

to be taken by the respondents themselves. Therefore, no mandamus can be issued to the respondents for shifting the Mobile Tower to another place.

5. At best, if the petitioner were to file a representation before the respondent nos. 1, 2, 3, 4 & 6, they are directed to decide the representation, after

giving an opportunity of hearing to the petitioner, and after hearing all his grievances with regard to the erection of the Tower, and shall pass a

reasoned order thereafter. Such exercise shall be carried out by the said respondents within three weeks, after receiving of the representation to be

filed by the petitioner.

6. With the above direction, the writ petition is, hereby, disposed of.