

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 30TH DAY OF APRIL, 2020 /10TH VAISAKHA, 1942

W.P. (C) .TMP No.249 OF 2020

PETITIONERS:

1. RAVEENDHRAN, AGED 65 YEARS, S/O KUTTAPPAN, AMBATTUKAVU, THAYAKKATTUKARA P.O, CHURNIKKARAPANCHAYATH, ERNAKULAM, 683106
2. NAZAR, AGED 55, S/O ALI, VADAPPALLI HOUSE, AMBATTUKAVU, THAYAKKATTUKARA P.O, CHURNIKKARAPANCHAYATH, ERNAKULAM, 683106
3. ANANDAN, AGED 50, S/O SHIVARAMAN, MANJINAKKARA (H), AMBATTUKAVU, THAYAKKATTUKARA P.O, CHURNIKKARAPANCHAYATH, ERNAKULAM, 683106
4. NIYAS, AGED 50, S/O ABOBBAKKER, KOLLOTH HOUSE, AMBATTUKAVU, THAYAKKATTUKARA P.O, CHURNIKKARAPANCHAYATH, ERNAKULAM, 683106
5. SADANANDAN, AGED 50 YEARS, S/O SIVARAMAN, DEVAPRABHA (H), AMBATTUKAVU, THAYAKKATTUKARA P.O, CHURNIKKARAPANCHAYATH, ERNAKULAM, 683106

BY ADV. SRI P BABU KUMAR (B-15),
SRI P YADHU KUMAR (Y-18),
SRI VISHNU BABU (V-636)

RESPONDENTS:

1. CHOORNIKKARA GRAMA PANCHAYATH REPRESENTED BY ITS SECRETARY SWTS ROAD, THAIKKATTUKARA, ALUVA, KOCHI- 683106
2. PROPRIETER, ATC TELECOM INFRASTRUCTURE PVT.LMT,

CHERAMANGALATH, KALOOR, ERNAKULAM. 682017

3.DISTRICT COLLECTOR, CHAIRMAN, DISTRICT TELECOM
COMMITTEE, COLLECTORATE, KAKKANAD, ERNAKULAM-682030

4.HIGH POWERED IT COMMITTEE HEADED BY SECRETARY,
ELECTRONICS AND INFORMATION TECHNOLOGY DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695001

5.UNION OF INDIA REPRESENTED BY THE SECRETARY TO THE
DEPARTMENT OF TELECOMMUNICATION, CENTRAL SECRETARIAT,
NEW DELHI-110001

6.BHARATHI AIRTEL LIMITED, REPRESENTED BY ITS MANAGING
DIRECTOR, KERALA AIRTEL CENTRE, 6TH FLOOR, 'A' WING,
PLOT NO 16, PHASE-IV, UDYOG VIHAR, GURGAON-122001

R3 & R4 BY T.S.SYAMPRASANTH, GOVT.PLEADER

R5 BY SRI.P.VIJAYAKUMAR, ASGI

THIS WRIT PETITION HAVING COME UP FOR ORDERS ON 30/04/2020,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

BECHU KURIAN THOMAS, J.

W.P.(C) TMP No.249 of 2020

Dated this the 30th day of April, 2020

ORDER

Notice to respondents 1, 2 and 6 through speed post. Government Pleader takes notice on behalf of the 3rd and 4th respondents. Assistant Solicitor General of India takes notice on behalf of the 5th respondent.

Post the Writ Petition on 22.05.2020.

**BECHU KURIAN THOMAS
JUDGE**

APPENDIX

PETITIONER'S/S' EXHIBITS:

- EXHIBIT P1:** PHOTOGRAPH SHOWING THE SITE
- EXHIBIT P2:** TRUE PHOTOCOPY OF SKETCH SHOWING THE EXISTING TOWER AND PROPOSED TOWER
- EXHIBIT P3:** TRUE PHOTOCOPY OF SACFA APPLICATION DETAILS DATED 21.01.2019
- EXHIBIT P4:** TRUE PHOTOCOPY OF THE APPLICATION FILED BY 2ND RESPONDENT BEFORE 1ST RESPONDENT FOR GENERAL PERMIT DATED 22.03.2019
- EXHIBIT P5:** TRUE PHOTOCOPY OF INSPECTION REPORT OF THE SITE SUBMITTED BY GRADE II OVERSEER, LSGD, CHOORNIKARA GRAMA PANCHAYAT DATED NIL
- EXHIBIT P6:** TRUE PHOTOCOPY OF TAX PAID RECEIPT ISSUED BY CHOORNIKKARA VILLAGE OFFICE, DATED 08.08.2018
- EXHIBIT P7:** TRUE PHOTOCOPY OF THANDAPEER ACCOUNT ISSUED BY CHOORNIKKARA VILLAGE OFFICER DATED 11.09.2018
- EXHIBIT P8:** TRUE PHOTOCOPY OF LOCATION SKETCH OF THE SITE ISSUED BY CHOORNIKKARA VILLAGE OFFICER DATED NIL

- EXHIBIT P9:** TRUE PHOTOCOPY OF BUILDING PERMIT ISSUED BY 1ST RESPONDENT DATED 03.07.2019
- EXHIBIT P10:** TRUE PHOTOCOPY OF ACKNOWLEDGEMENT RECEIPT OF COMPLAINT ISSUED BY 3RD RESPONDENT DATED 16.08.2019
- EXHIBIT P11:** TRUE PHOTOCOPY OF NOTICE ISSUED BY THE 1ST RESPONDENT DATED 27.08.2019
- EXHIBIT P12:** TRUE PHOTOCOPY OF NOTICE ISSUED BY 1ST RESPONDENT DATED 24.02.2020
- EXHIBIT P13:** TRUE PHOTOCOPY OF GUIDELINES ISSUED BY THE CENTRAL GOVERNMENT DATED 01.08.2013
- EXHIBIT P14:** TRUE PHOTOCOPY OF NOTIFICATION OF INDIAN TELEGRAPH RIGHT OF WAY RULES, 2016 DATED 15.11.2016 ISSUED BY CENTRAL GOVERNMENT
- EXHIBIT P15:** TRUE PHOTOCOPY OF RELEVANT PAGES OF KERALA MUNICIPALITY BUILDING RULES, WITH REGARD TO CONSTRUCTION OF MOBILE TOWERS
- EXHIBIT P16:** TRUE PHOTOCOPY OF RELEVANT PAGES OF INFORMATION TECHNOLOGY POLICY, 2017 ISSUED BY STATE OF KERALA WITH REGARD TO INSTALLATION OF MOBILE TOWERS
- EXHIBIT P17:** TRUE PHOTOCOPY OF G.O(MS) NO 21/2017 ORDER DATED 30.06.2017