

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CCP(S) No. 129/2023

Manzoor Ahmad Malla

..... Appellant/petitioner(s)

Through: -
Mr. Umar Mir, Advocate

V/s

Dr. Syed Sehrish Asgar

..... Respondent(s)

Through: -
Mr. Alla-Ud-Din Ganai, AAG.

CORAM: HON'BLE MR JUSTICE PUNEET GUPTA, JUDGE

(ORDER)

07.08.2023

1. The contempt petition has been filed by the petitioner as the petitioner is aggrieved of non-compliance of the directions passed by the court in WP (C) No. 2358/2021. It appears that the petitioner was aggrieved of the installation of JIO Mobile Tower in the vicinity of his residential house and being erected without proper permission and having no objection certificate from other authorities.
2. The Court disposed of the writ petition by granting liberty to the petitioner to raise his grievance before the Deputy Commissioner, Baramulla. In case the representation is to be made, the Deputy Commissioner to take appropriate action after verifying all necessary facts and also provide opportunity of hearing to respondent Nos. 7 & 8, if required.
3. The respondent has filed the reply wherein it is stated that the grievance of the petitioner has been redressed.
4. The case of the petitioner has been rejected in terms of order No.09/ARA of 2023 dated 14.03.2023 passed by the respondent. The Committee has also been constituted vide order No. 02-PS of 2023 dated 18.05.2023 for monitoring strict implementation of Order No. 48-JK(ITD) of 2020 dated 01.12.2020 for installation of towers and other

provisions for addressing grievances between the appropriate authority and intending department.

5. Learned counsel for the petitioner submits that the order filed along with the objections is not the compliance of the order passed by this Court out of which the present contempt petition has arisen. The respondent has not taken into consideration the by-laws/rules on the subject while deciding the representation as per directions of the Court.
6. Learned Additional Advocate General has argued that the respondent has complied with the court order while passing order dated 14.03.2023.
7. The Court is of the view that the order passed by the respondent rejecting the representation of the petitioner is substantial compliance of the order passed by this Court on 13.04.2022. The operation of tower which is not functional at present is subject to monitoring as is evident from order dated 18.05.2023 for which the Committee has also been formed to take care of operation of mobile towers in general in District Baramulla.
8. Learned counsel for the petitioner has tried to convince the court that the guidelines having not been followed while rejecting the representation, the Court is of the view that the court is not to intervene at this stage and see whether the guidelines have been strictly followed while passing the order dated 14.03.2023. In case the petitioner is still aggrieved of the order passed by the respondent, he is at liberty to avail other remedy which may be available to him under law.
9. Disposed of.

(PUNEET GUPTA)
JUDGE

SRINAGAR

07.08.2023

Pawan Chopra

Whether the order is speaking : Yes/No

Whether the order is reportable: Yes/No