

**CM-3471-CWP-2021 and  
CWP-4424-2021**

**105**

**Simarjeet Singh v. State of Punjab and others**

Present: Mr. Gurpreet Singh, Advocate for the petitioner.

Ms. Anu Chatrath, Additional Advocate General, Punjab.

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Case has been heard through Video Conferencing on account of COVID-19 Pandemic.

**CM-3471-CWP-2021**

This is an application for taking on record photographs as Annexures P-8 and P-9.

Application is allowed and the photographs are taken on record.

**CWP-4424-2021**

Notice of motion.

Ms. Anu Chatrath, Additional Advocate General, Punjab accepts notice on behalf of respondent No.1.

On the last date of hearing, following order was passed:-

“Following queries have been put to learned counsel representing the petitioner:-

- i) Whether the construction of the building is pillar construction or based on foundation only?
- ii) The weight, height etc. of the tower/pole and how much number of poles erected in the building in question.

Learned counsel for the petitioner shall be at liberty to move an application to clarify the aforesaid queries.

To be listed as and when appropriate application is moved.”

Today, learned counsel for the petitioner has informed us that the construction of the building is a pillar based and height of the poles is 6 mts. and weight thereof is 200 kgs.

An additional query has been put to learned counsel for the petitioner whether there is a mandatory requirement for installing solar panel for use.

Learned State counsel shall be at liberty to file a short affidavit regarding the query raised above. It shall also be made clear whether uniform policy is being adopted all over the State of Punjab or a stand alone instructions have been given for SAS Nagar. Another question that arises is whether due to wind velocity at times, there can be a danger of the tower being dislocated and endanger the lives of the people. It appears apart from the tower, there are batteries on the roof which may not be able to bear the burden.

As a larger question has arisen before this court regarding installation of towers on residential building, as an interim measure we direct that State shall not allow installation of towers on the residential buildings till further orders. As regards the building of the petitioner, status quo shall be maintained till the next date of hearing. This order is being passed in view of the fact that installation of towers in a haphazard manner may endanger lives and property of the people and would violate their rights under Article 21 of the Constitution.

To come up on 10.3.2021.

**(RAJAN GUPTA)**  
JUDGE

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**March 3, 2021**  
gbs

**(KARAMJIT SINGH)**  
JUDGE