

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 831/2019

Shri Labana Gawaria Sikh Samaj Sewa Samiti,

----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Local Self Department, Jaipur.
2. The District Collector, Jodhpur.
3. The Commissioner, Municipal Corporation, Jodhpur.
4. The Chief Executive Officer, Municipal Corporation, Jodhpur.
5. The Reliance Jio Infocom Ltd., Having Its Registered Office At Centre Point, First Floor, C-43 P.w.d. Colony, Jodhpur Through Its General Manager.

----Respondents

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For Petitioner(s) : Mr. Karan Joshi  
For Respondent(s) : Mr. Avinash Acharya  
Mr. Suniel Purohit

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**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**  
**Order**

**09/03/2022**

The case comes upon an application for vacation of an interim order granted by this court on 29.01.2019, however, with the consent of the learned counsel for the parties, the matter is disposed of finally.

The present writ petition has been filed with the following prayers:-

"1. the respondents may kindly be directed to remove/demolish the 4G mobile tower which has been illegally and arbitrarily installed by the respondent No. 5-Reliance Jio Infocom Ltd. in front of the land of the humble petitioner Society whereby the Gurudwara is open for religious purposes;

2. by an appropriate writ, order or direction, the respondent No. 5-Reliance Jio Infocom Ltd. herein may

kindly be restrained from installation of the heavy generator for running the mobile tower in question;

3. any other order or direction, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case may kindly be passed in favour of the humble petitioner; and

4. the cost of the writ petition may kindly be awarded in favour of the humble petitioner."

Learned counsel for the petitioner submits that the tower erected by the respondent no. 5 is almost in front of the gate of the petitioner's Gurudwara and is creating inconvenience to all the devotees who are visiting the Gurudwara.

Learned counsel for the respondents submits that they are ready and prepared to shift the tower from the existing place to 15-20 feet away from the gate of Gurudwara. Shifting of the tower will give enough space and way to the devotees to enter the Gurudwara. However, he submits that it will take about two months to shift the tower from the existing place to 15-20 feet away, the learned counsel for the petitioner has no objection for the same.

In such circumstances, the writ petition is disposed of with a direction to the respondent No. 5 to shift the tower from the existing place to 15-20 feet away from the gate of Gurudwara within a period of two months. It is made clear that except the erection of the tower, no other attachment including generator can be placed near the tower.

Till the tower is shifted, the respondent No. 5 will be free to maintain the operation of the tower.

**(VINIT KUMAR MATHUR),J**