

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6105 of 2026**

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DHARMENDRAKUMAR SHANTILAL JANI

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR RUSI B TRIVEDI(11227) for the Petitioner(s) No. 1

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3,4

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CORAM:**HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 29/04/2026****ORAL ORDER**

1. Heard Mr. Rusi B. Trivedi, learned advocate appearing for the petitioner.

2. Mr. Rusi B. Trivedi, learned advocate appearing for the petitioner relied on the judgment rendered on 19.02.2007 in **Special Civil Application No.32 of 2007** and the Guidelines issued by the Department of Telecommunications, dated 01.06.2013.

3. It is apposite to refer to reproduce relevant paragraph of the judgment rendered in **Special Civil Application No.32 of 2007**, dated 19.02.2007, which reads thus:

"6. Having considered the above, it appears that as such when the cellular tower is to be installed, it can be in the residential area and it

can also be in the commercial or industrial area. The requirement for installation of cellular tower in the Corporation area is that it can also be over the top of the residential buildings. As such, there are no GDCR for the area of Talala regulating the building construction, however, if the GDCR for the Corporation area is considered as guidelines, then it can be said that cellular tower is permissible even in residential area. Therefore, if in a residential area a cellular tower is to be installed such cannot be said as the use prohibited in a residential area, for which change of use permission may be required as per Section 65 of the Bombay Land Revenue Code. Therefore, Mr.Thakar appears to be right in submitting that no modification of N.A. permission is required for installation of cellular tower, when N.A. Permission is granted for residential purpose."

4. Issue **Notice** returnable on **29.06.2026**.

In the interregnum period, the impugned order dated 10.11.2020 passed by the District Collector and the order dated 03.12.2025 passed by the learned SSRD, are directed not to be acted upon, till the next returnable date.

(VAIBHAVI D. NANAVATI,J)

NEHA