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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision: 24.03.2026

Saral Mobile Project Services Pvt. Ltd.**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Sumeet Jain, Advocate for the petitioner
Mr. Deepak Vashisth, Deputy Advocate General, Haryana
Mr. Aakash Singla, Advocate for respondent Nos.3 to 6
Mr. Anurag Mor, Advocate and
Mr. Sachin Jangra, Advocate for respondent No.7

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of impugned order dated 02.07.2025 passed by respondent No.2-Deputy Commissioner, Faridabad whereby order dated 07.01.2025 granting permission to install mobile tower has been cancelled.

2. The petitioner was granted Infrastructure Provider Category-I ('IP-I') License by the Department of Telecommunication to set up and lease passive telecom infrastructure such as mobile tower. The Deputy Commissioner, Faridabad vide order dated 07.01.2025 granted permission under Haryana Government Communication & Connectivity Infrastructure Policy, 2023 (for short '**2023 Policy**') to erect tower on the land of Haryana Shehri Vikas Pradhikaran ('**HSVP**'). Deputy Commissioner, Faridabad vide order dated 04.04.2025 cancelled aforesaid permission citing reason of



‘public interest’. The aforesaid order was based upon letter dated 27.03.2025 of HSVP. Relevant extract of letter dated 27.03.2025 reads as:

“Since, the Residents Welfare Association, Sector-7, Faridabad are opposing the installation of the Mobile Tower in their locality, keeping view health hazards of the elderly people as well as the residents.

In view of the above cited facts, it is requested that permission given may kindly be withdrawn in the public interest.”

3. Learned counsel for the petitioner submits that by order dated 07.01.2025, the Deputy Commissioner, Faridabad, granted permission under 2023 Policy to install mobile tower at HSVPN, Opp H.No.765 HUDA Park, Sector 7-B, Faridabad. The residents of the locality raised objection and HSVP i.e. owner of the park vide communication dated 27.03.2025 requested Deputy Commissioner, Faridabad to cancel permission granted by aforesaid letter dated 07.01.2025. The Deputy Commissioner, Faridabad has power to approve or reject relocation or alteration proposed/requested by owner of the property. The tower was yet to be installed, thus, Section 16(5) of Telecommunications Act, 2023 (for short ‘**2023 Act**’) was not in true sense applicable.

4. *Per contra*, learned counsel for respondent Nos.2 to 6 submits that residents of locality raised objection and keeping in view health of the elderly people, HSVP, Faridabad requested Deputy Commissioner to cancel permission granted vide letter dated 07.01.2025. The Deputy Commissioner, Faridabad was quite competent to cancel already granted permission.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner falls



within definition of ‘*facility provider*’ as per Section 10(a) of 2023 Act. The HSVP falls within definition of ‘*public entity*’ as per Section 10(b). The property/park where tower has to be installed falls within definition of ‘*public property*’ as per Section 10(c). The petitioner approached respondent Authorities in accordance with the policy in force seeking permission to install mobile tower in aforesaid locality. The matter was examined by Authorities and as per prescribed procedure, permission was granted by Deputy Commissioner. The permission was granted as per infrastructure policy in force. It is apt to notice here that permission was granted on 07.01.2025 and on the said date, 2023 Act was in force. The Authorities as well as petitioner were bound by 2023 Act besides 2023 Policy. The State Government vide order dated 08.04.2025 has adopted Telecommunication (Right of Way) Rules, 2024 (for short ‘**2024 Rules**’). 2024 Rules have been made by Central Government in exercise of power conferred by 2023 Act.

7. Respondents are claiming that there was objection by residents of the locality and it was found that health of elderly people would be adversely affected by installation of tower, thus, it was recommended to cancel permission already granted. Relevant extract of impugned order reads as:

“After hearing both parties, perusing their submissions, and examining the record on file, I find merit in the objections raised by the RWA and am of the considered opinion that allowing the installation of the mobile tower in a public park is against the public interest and community welfare.

Accordingly, it is hereby ordered that the permission granted to M/s Saral Mobile Project Services Private Ltd. vide letter no. DC FBD-2025-01-P-1-03 dated 07.01.2025 is hereby cancelled in the larger public interest and to maintain law and order in the area.”



8. It is undisputed fact that mobile towers have been installed across the State in the parks owned and managed by HSVP or Municipal Corporation. The parks are in inhabited localities still across the State mobile towers have been installed. Need or protection of health of residents of any particular locality is not different from entire State. All the residents are equal whether residing in particular sector of a particular city or anywhere else. It appears that HSVP under the influence of one or more residents of the locality or to achieve ulterior motives, proposed cancellation of permission already granted. The reason assigned is manifestly baseless and cannot be accepted.

9. There is another aspect of the matter. The respondents are claiming that permission already granted can be cancelled under Section 16 of 2023 Act which reads as:

“16. Removal, relocation or alteration of telecommunication network.

(1) Where, under section 11 or section 12, telecommunication network has been placed by the facility provider, under, over, along, across, in or upon any property, and any person entitled to do so desires to deal with that property in such a manner so as to render it necessary or convenient that the telecommunication network should be removed or relocated to another part thereof or to a higher or lower level or altered in form, he may require the facility provider to remove, relocate or alter the telecommunication network accordingly.

(2) If compensation has been paid under sub-section (6) of section 11, or sub-section (4) of section 12, such person shall, when making the requisition under sub-section (1), tender to the facility provider the amount requisite to defray the expense of the removal, relocation or alteration on such terms as may be mutually agreed.



(3) *If any dispute arises under this Chapter, the matter shall be determined by the authority referred to in sub-section (2) of section 18.*

(4) *If the facility provider omits to comply with the requisition, the person making such requisition, may apply to the District Magistrate within whose jurisdiction the property is situated, to order the relocation or alteration.*

(5) *The District Magistrate receiving the application may, at its discretion and for reasons to be recorded in writing, approve or reject such relocation or alteration, subject to such conditions as it determines fit, including the relocation of the telecommunication network to any other part of the property or to a higher or lower level or for the alteration of its form, and the order so made shall be final.*

[Emphasis Supplied]

10. Form the perusal of above-quoted section, it is evident that owner of the property, after installation of telecommunication network, if wants to deal with the property in such a manner so as to render it necessary or convenient that telecommunication network should be removed or relocated to any other part thereof or to a higher or lower level or altered in form, may require the facility provider to remove, relocate or alter the telecommunication network. In case owner of the property i.e. public entity and facility provider do not reach to an amicable settlement, the matter is referred to District Magistrate who may approve or reject such relocation or alteration. The provisions of Section 16 are inapplicable to case in hand because of more than one reasons. Section 16(1) is applicable where telecommunication infrastructure/network has already been installed which is missing in the present case. The petitioner had just started installation when impugned order was passed. The public entity never requested or asked petitioner to make requisite alteration. The District Magistrate may

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approve relocation or alteration, however, there is no power with District Magistrate to cancel the already granted approval. Cancellation of already granted approval is one aspect whereas asking the facility provider to relocate or carry out alteration as requested by public entity is another aspect. The public entity herein never asked the petitioner to relocate or carry out changes in the network whereas there was request to Deputy Commissioner, Faridabad to cancel the permission. It was not within the purview of Deputy Commissioner to cancel permission while exercising power under Section 16(5) of 2023 Act.

11. In the wake of above discussion and findings, this Court is of the considered opinion that petition deserves to be allowed and accordingly allowed. Order dated 02.07.2025 passed by respondent No.2-Deputy Commissioner, Faridabad is hereby set aside.

(JAGMOHAN BANSAL)
JUDGE

24.03.2026
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No