

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD**

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA  
PRADESH**

**FRIDAY, THE TWENTY SECOND DAY OF JUNE TWO THOUSAND AND  
FIFTEEN**

**Present**

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

-

**WRIT PETITION No.18081 of 2015**

Between:

M/s. Mansoorabad Welfare Association,  
Mansoorabad Village, L.B. Nagar Municipality,  
R.R. District – 500 068,  
Rep. by its President P. Venkulu Yadav,  
S/o. P. Narayana, Aged 45 years,  
R/o. H.No.3-7-104,  
Mansoorabad Village, L.B. Nagar,  
Ranga Reddy District,  
Telangana State.

.. Petitioner

AND

The Principal Secretary to Government  
(Municipal Administration),  
Telangana Secretariat, Hyderabad & 4 others

## .. Respondents

**The Court made the following:**

---

—

—

—

---

—

—

---

---

---

---

---

---

1

1

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

**WRIT PETITION No.18081 of 2015**

1

**ORDER:**

With the consent of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration for the 1<sup>st</sup> respondent and the learned Standing Counsel for respondents 2 and 3, this writ petition is disposed

of at the admission stage.

2. The petitioner is the welfare association of residents of Mansoorabad Village within the municipal limits of Greater Hyderabad Municipal Corporation. The grievance of the petitioner necessitating institution of this writ petition is that the 4<sup>th</sup> respondent has erected cell tower on the roof top of the 5<sup>th</sup> respondent building and by erection of such cell tower, grave hardship would be caused to the petitioner. Several representations were submitted by the petitioner against such erection, but no reply was given. In the writ petition, in addition to causing health hazards to the residents of the petitioner association, it is also contended that the building does not have the necessary permissions and, therefore, it was an illegal construction and, thus, the question of erecting a cell tower on such illegal construction is not valid.

3. As seen from the several representations, the issue of illegal construction was never raised before the competent authority. Even before the issue is raised before the competent authority and the matter is considered by the competent authority, the writ Court cannot go into the validity or otherwise of the action of installing the cell tower by the 4<sup>th</sup> respondent. Thus, the writ petition is premature.

4. At this stage, the learned counsel for the petitioner submits that the petitioner should be given opportunity to file a detailed representation to the Deputy Commissioner, (Circle III), Greater Hyderabad Municipal Corporation, L.B. Nagar, Hyderabad (3<sup>rd</sup> respondent). On receipt of such representation, the third respondent shall consider in accordance with the rules and pass appropriate orders, as warranted by law, within a period of three (3) weeks from the date of receipt of such representation. It is also open to the petitioner to raise the grievance of the consequences of installation of cell tower within the vicinity of the village and the same also shall be considered by the competent authority and appropriate decision be conveyed to the petitioner. If necessary, the third respondent shall also give an opportunity of hearing to respondents 4 and 5 before taking any decision. If the petitioner is aggrieved by any decision by the third respondent, it is open to the petitioner to work out its remedies.

5. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

---

**P.NAVEEN RAO, J**

Date: 22<sup>nd</sup> June, 2015

KL

**HON'BLE SRI JUSTICE P.NAVEEN RAO**

-

**WRIT PETITION No.18081 of 2015**

-

Date: 22<sup>nd</sup> June, 2015

KL