

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 19381 of 2011

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ORDER :

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It is the case of the petitioner that he has submitted an application dated 23.03.2010 to the concerned local body seeking permission for erection of cell tower. After waiting for 60 days, as no orders are passed on the said application, under deemed permission, started operating the said tower by obtaining service connection from the 3rd respondent and paying consumption charges without any default. The grievance of the petitioner is that power connection was disconnected by the 3rd respondent without issuing any prior notice. Aggrieved by the same, present writ petition is filed.

2. Counter affidavit is filed by the 1st respondent denying the averments in the affidavit filed in support of the writ petition stating that no such application dated 23.03.2010 is filed by the petitioner and that petitioner has to obtain permission from the concerned competent authority. Since petitioner has not obtained permission, the 3rd respondent was asked to disconnect the power supply to the petitioner.

3 . Heard Sri Mohd.Islamuddin Ansari, learned counsel for the petitioner and Sri G.Seshadri, learned Standing Counsel for the 1st respondent.

4. While admitting the writ petition, this Court granted interim direction on 12.07.2011 in W.P.M.P.No.23416 of 2011 to restore the power supply to the petitioner. It is the case of the petitioner that without issuing any prior notice, straight away disconnection of power was

ordered by the 3rd respondent and same is not disputed by the learned counsel for the respondents.

Since interim order dated 12.07.2011 is operating in the writ petition till date, the impugned order dated 11.06.2011 is set aside. However, it is open for the respondents to initiate appropriate action if it is found that petitioner has violated any of the Rules in erecting cell tower, by following due process of law.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in this Writ Petition, shall stand dismissed.

_____ **A.RAJASHEKER REDDY, J**

14.10.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. No.19381 OF 2011

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Date: 14-10-2015

KVS

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