

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9090 of 2015

Date: 08-04-2015

Between:

M/s. Indus Towers Limited, represented by its
Senior Manager, Gachibowli, Hyderabad

.. Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Panchayat Raj and Rural
Development Department, Secretariat and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9090 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the action of the 3rd respondent in threatening to demolish the tower in Survey No.528/16 and 17, situated at Samisragudem village, Nidadavolu Mandal, West Godavari District without considering the representation dated 12-01-2014 and without issuing any notice as illegal, arbitrary and violative of principles of natural justice.

2. The case of the petitioner is that the petitioner company was incorporated

under the Companies Act and came into existence on 20-11-2007 and that the petitioner erected Idea Cellular tower in September, 2007 and no permission is required for erection of cell tower and when the petitioner company came into existence, as per G.O.Ms.No.334, dated 09-10-2012, the petitioner paid an amount of Rs.10,000/- as per Rule 1 (2) of the said G.O. as one time fee for regularisation of the cell tower which was already erected. While so, the petitioner was issued a notice dated 08-01-2015 by the 3rd respondent Gram Panchayat directing to stop the erection of cell tower, in response to which, the petitioner filed its explanation on 12-01-2015, but the 3rd respondent, without considering the said explanation, is now trying to demolish the cell tower. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri Ravi Cheemalapati, learned standing counsel for the 3rd respondent.

4. Since it is stated that the petitioner filed its representation dated 12-01-2015 and the same is pending for consideration, the competent authority shall consider the same and pass appropriate orders thereon and take appropriation action in accordance with law. Till such orders are passed by the competent authority, status quo obtaining as on today shall be maintained. However, it is made clear that in case the petitioner company violates the terms and conditions of G.O.Ms.No.334, dated 09-10-2012, the 3rd respondent Gram Panchayat or the competent authority may take appropriate action as per law.

With the above observation, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 08-04-2015

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