

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 15685 of 2011

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ORDER :
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This writ petition is filed challenging the proceedings in Rc.No.4146/09/G1, dated 24.02.2011 wherein the permission granted to the petitioner for erection of cell tower has been kept in abeyance by the respondent Municipality.

It is the case of the petitioners that the 2nd respondent had granted permission vide proceedings dated 08.12.2010 for installation of roof top cellular towers after considering relevant Government Orders. While so, the 2nd respondent, without any prior notice, straight away issued impugned order dated 24.02.2011 and kept the orders dated 08.12.2010 in abeyance on the ground of objections being raised by the surrounding building owners of Kaki Veedhi for the installation of roof top cellular towers. It is also stated this Court, by order dated 17.12.2009 in W.P.M.P.No.15912 of 2009 in W.P.No.12314 of 2009 has directed all the Municipalities and municipal Corporations to process the applications filed by the telecom companies for erection of towers without insisting upon, *inter alia*, condition No.4 in so far as 'No Objection Certificate' from the surrounding building owners as stipulated in G.O.Ms.No.183, dated 27.02.2008 is concerned. Aggrieved by the same, present writ petition is filed.

Heard Sri L.Venkateshwar Rao, learned counsel for the petitioners and Sri Nimmagadda Venkateshwarlu, learned Standing Counsel for the 2nd respondent Municipality.

Sri Nimmagadda Venkateshwarlu, learned Standing Counsel, on instructions, submits that now the Government has issued G.O.Ms.No.146, dated 19.06.2015 dispensing with condition No.4 and not insisting for 'No Objection Certificate' and deleted the clause in

respect of 'No Objection Certificate' from the locality people.

In view of the submission of the learned Standing Counsel, suspension of the permission granted on condition No.4 does not arise at all. Moreover, the impugned order appears to be issued without prior notice to the petitioners.

In view of above, the impugned order dated 24.02.2011 passed by the 2nd respondent is set aside in view of subsequent G.O.No.146, dated 19.06.2015.

Accordingly, this writ petition is allowed. However, it is open for the respondents to initiate action against the petitioners, in accordance with law if the petitioners violates any of the conditions mentioned in the permission granted to them vide proceedings dated 08.12.2010 and also guidelines mentioned in G.O.Ms.No.146, dated 19.06.2015.

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

15.09.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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