

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. Nos. 1690 OF 2014 and 35371 of 2013

COMMON ORDER :

The issue involved in both these writ petitions is one and the same, as such, they are being disposed of by way of Common Order.

W.P.No.1690 of 2014 is filed seeking writ of mandamus declaring the action of the 2nd respondent in not preventing the 3rd respondent from installation of mobile Cell Tower in the house of 4th respondent contrary to the guidelines of norms prescribed by the 1st respondent for issuing licence mentioned in G.O.ms.No.334 Panchayat Raj and Rural Development (Pts.IV) Department dated 09.10.2012 as illegal and arbitrary and consequently to direct the 2nd respondent to take immediate action on the basis of the representation of the petitioners dated 08.11.2013 for removal of uncompleted cell tower construction made by the 3rd respondent in the house of the 4th respondent.

The case of the petitioners is that when the 3rd respondent is installing the mobile cell tower in the house of the 4th respondent, they have made a representation dated 08.11.2013 to the 2nd respondent to stop the erection of cell tower on the said premises. It is stated that in spite of the said representation by the petitioners, the 3rd respondent is proceeding with the erection of cell tower. Aggrieved by the action of the respondents 1 and 2 in not taking any action against the 3rd and 4th respondents, the present writ petition is filed.

Counter affidavit is filed by the 2nd respondent stating that in response to the representation made by the petitioners dated 08.11.2013, the 2nd respondent has cancelled the permission

No.GPN/28/13, dated 27.09.2013 granted to the 3rd respondent vide proceedings dated 08.11.2013. It is stated that aggrieved by the cancellation of the impugned proceedings dated, 08.11.2013, the 3rd respondent filed W.P.No.35371 of 2013 against the respondents 1 and 2 on the ground that no notice was issued before canceling the permission dated 27.09.2013, which is in violation of principles of natural justice.

Heard learned counsel for the petitioners, learned Government Pleader for Panchayat Raj as well as learned Standing Counsel for the 2nd respondent.

Since the counter does not indicate about the issuance of any notice before issuing the impugned proceedings dated 08.11.2013 by the 2nd respondent, I do not want to go into the merits of the case in both the writ petitions, only on the ground of violation of principles of natural justice, impugned proceedings dated 08.11.2013 is set aside.

In view of the above facts and circumstances, the 2nd respondent in both the writ petitions is directed to issue notice to the petitioners in both the Writ Petitions within one week from the date of receipt of a copy of this order. It is open for the petitioners in W.P.No.1690 of 2014 to file their objections before the 2nd respondent, who shall consider their objections, within a period of two weeks thereafter, in the light of G.O.Ms.No.334, Panchayat Raj and Rural Development (Pts.IV) Department, dated 09.10.2012 and pass appropriate orders, in accordance with law.

With the above direction, both the writ petitions shall stand disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in these writ petitions, shall stand closed.

12.02.2015.
KVS

A.RAJASHEKER REDDY, J

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