

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22713 OF 2012

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ORDER:

This petition is filed for a writ of *mandamus* declaring the action of the respondents in interfering with the installation and functioning of the tower erected at premises No.2-201, situated at Mangapeta Village, Warangal District, without issuing any notice and without following due process of law, as arbitrary and illegal.

The case of the petitioner is that it has erected cell tower as per the license granted by the Central Government under Section 4 of the Indian Telegraph Act, 1885 on mutually agreed terms and conditions. While so, the petitioner has identified the place in H.No.2-201, Mangapeta Village and Mandal, Warangal District for the purpose of erecting ground based tower. Accordingly, commenced work of erection of tower by obtaining No Objection from the 1st respondent vide letter dated 07.04.2012 in accordance with the resolution passed in the Gram Panchayat. While so, the 2nd respondent along with subordinate staff visited the subject site and asked the petitioner to stop installation of the equipment stating that there is a complaint from the villagers. Aggrieved by the same, present writ petition is filed.

Mohd.Islamuddin Ansari, learned counsel for the petitioner states that though necessary permission is obtained from the 1st respondent, the 2nd respondent is interfering with the installation of the cell tower without issuing any notice and without indicating the violations committed by the petitioner.

On the other hand, Sri G.Narender Reddy, learned counsel for the 1st respondent on instructions submits that as on today, there is no interference by the 1st respondent authority with the functioning of the cell tower erected by the

petitioner.

This Court at the time of ordering Notice Before Admission on 25.07.2012 granted interim order directing the 2nd respondent not to interfere with the installation and functioning of the cell tower in premises bearing No.2-201, Mangapeta Village, Warangal, until further orders.

The fact that the petitioner has obtained No Objection from the 1st respondent is not in dispute; that no counter affidavit is filed by the 2nd respondent and that the interim order granted by this Court is operating from 2012 onwards. Further, learned Standing Counsel for the 1st respondent, on instructions, states that as on today there is no interference. As such, I deem it appropriate to dispose of the writ petition directing the respondents not to interfere with the functioning of the cell tower erected by the petitioner. However, it is open for the 1st respondent-Gram Panchayat to take action against the petitioner in case he violates any rules governing the erection of cell tower by issuing appropriate notice to the petitioner.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, Miscellaneous petitions, if any pending in the writ petition shall stand closed.

A.RAJASHEKER REDDY, J

30.10.2015

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