

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.22110 of 2015

Between :

M/s.Indus Towers Limited, Sy.No.133, 4-51, 8th Floor,
SLN Terminus, Beside Botanical Gardens, Gachibowli,
Hyderabad, rep.by its Senior Manager-Legal.

.... Petitioner

And

The Greater Hyderabad Municipal Corporation, Lower
Tank Bund Road, Hyderabad, rep.by its Commissioner
and another

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 16.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ? :

2. Whether the copies of judgment may be : Yes / No
Marked to Law Reporters/Journals :

3. Whether His Lordship wish to see the : Yes / No
fair Copy of the Judgment ? :

**HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.22110 of 2015**

ORDER:

On 08.07.2015 petitioner was served notice under Section 636 of the Hyderabad Municipal Corporation Act, 1955, directing the petitioner to remove the unauthorized cellular tower at roof top of the premises bearing No.7-2-49/5/18 situated at D.N.M.Colony, Sanath Nagar, Hyderabad. This notice dated 08.07.2015 is under challenge in this writ petition.

2. Learned counsel for the petitioner contends that no prior notice was issued to the petitioner. It appears notice was served on the owner of the property, but not on the petitioner. After receipt of notice dated 08.07.2015, a detailed explanation is submitted by the petitioner and without considering the said explanation, the respondent municipal corporation is trying to remove the cell tower on the above premises.

3. The contention of the learned counsel for the petitioner that no notice was issued to the petitioner, is not disputed by the learned standing counsel for the municipal corporation.

4. A perusal of the notice dated 08.07.2015 does not show that a notice was issued to the petitioner. Having regard to the fact that cell tower is established by the petitioner and it is the affected party, if the cell tower is removed, the notice dated 08.07.2015 be treated as notice and the explanation submitted by the petitioner dated 10.07.2015 be considered as response to the said show cause notice and the respondent-corporation is directed to pass appropriate orders as warranted by law duly considering all the objections raised by the petitioner in their explanation within a period of three weeks from today. Until such orders are passed as directed, no coercive steps shall be taken against the petitioner.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

Date : 16.07.2015
kkm

JUSTICE P.NAVEEN RAO

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 22110 of 2015

Date:16.07.2015

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