

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13144 OF 2011

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ORDER:

This writ petition is filed questioning the impugned letter No.570/TPS/C7/GHMC/2011, dated 19.04.2011 issued by the 2nd respondent, wherein the petitioner was asked to remove the cell tower erected by it in the premises bearing H.No.13-1-1179, Kumarwada, Karwan, Hyderabad, on the ground that the same was not preceded with prior notice.

This court, on 29.04.2011, granted interim stay while admitting the writ petition.

Heard Sri Islamuddin Ansari, learned counsel for the petitioner states that the petitioner has already submitted explanation on 20.04.2011 stating that it has already submitted its application for permission and that after waiting for a stipulated period of 30 days commenced its construction by giving the commencement letter dated 11.01.2011.

Heard Sri Neeli Ashok Kumar, learned counsel for the respondent-Corporation.

A reading of the impugned proceedings shows that there is no prior notice before asking the petitioner to remove the cell tower; and no counter affidavit is filed in this writ petition.

In view of the above, the impugned notice dated 19.04.2011, issued by the 2nd respondent may be treated , as show cause notice. Since it is stated that the petitioner has already submitted explanation on 20.04.2011, the respondent authorities are directed

to consider the explanation dated 20.04.2011 submitted by the petitioner and take action in accordance with law. It is also open for the petitioner to submit further explanation if the earlier explanation is not available on the record of the respondent authorities. Till then the interim stay granted by this Court on 29.04.2011, shall continue.

With the above direction, the writ petition is disposed of. No order as to costs.

As a sequel thereto, Miscellaneous petitions, if any pending, shall stand closed.

A.RAJASHEKER REDDY, J

09.09.2015

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