

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

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WRIT PETITION No.36573 of 2015

BETWEEN

M/s. Indus Towers Limited.

... PETITIONER

AND

Secunderabad Cantonment Board, Rep. by its Chief Executive Officer, Secunderabad.

...RESPONDENT

DATE OF JUDGMENT PRONOUNCED: 23.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to see the No
fair copy of the Judgment?

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ORDER:

Petitioner has erected a cell tower on the roof of premises bearing H.No.271, Lal Bazar, Secunderbad. Earlier the owner of the said premises was give a show cause notice dated 21.01.2014 by the respondent board to show cause against removal of unauthorizedly erected telecom tower on the roof top. Petitioner submitted a reply dated 14.02.2014 voluntarily to the said notice, though the said notice was not addressed to the petitioner. Petitioner also approached this Court by way of WP.No.15486 of 2014, which was disposed of on 06.06.2014 directing the respondent board to consider the petitioner's explanation and pass appropriate orders until then, not to take any coercive steps against the petitioner.

2. While it is stated that no orders are passed pursuant to the said order of this Court, a fresh show cause notice dated 30.10.2015 was given to the petitioner to show cause within three days and simultaneously, a penalty of Rs.2,00,000/- was imposed by a further letter dated 30.10.2015. Petitioner questions the said notices, primarily, on the ground that without giving any opportunity and permitting the petitioner the submit explanation straightaway penalty is imposed by a separate letter on the same day. Petitioner also states that he submitted cause in response to the show cause notice on 04.11.2015 but no orders have been passed so far.

Thus, apprehending that the said tower would be demolished,
the present writ petition is filed.

3. Learned standing counsel for the respondent board states,

on instructions, that the petitioner's representation would be considered and appropriate orders would be passed.

4. In view of the above, there shall be a similar direction, as in the earlier writ petition, directing the respondent board to take into consideration the explanation/representation submitted by the petitioner dated 04.11.2015 and pass appropriate further orders, in accordance with law and communicate the same to the petitioner and until a final decision is taken, the respondent board shall not take any coercive steps against the petitioner including demolition of the said cell tower.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 23, 2015

DSK