

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39873 of 2015

-
09.12.2015

Between:

Rockville Welfare Society, Hyderabad

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.Y.Rama Rao

Counsel for respondent No.1: Assistant Government Pleader for
Municipal Administration and Urban Development (TS)

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Counsel for respondent Nos.2 to 5: --

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The Court made the following:

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ORDER:

The petitioner, which claims to be a welfare society, filed this writ petition feeling aggrieved by the proceedings No.TP/PER/0148/2015/2788, dated 28.01.2015/06.01.2015 of respondent No.2, whereby he has, *inter alia*, permitted erection of Roof Top Tower (RTT) over the house of respondent No.3 for the purpose of making available Internet (IT) services by respondent No.5.

At the hearing, Mr.Y.Rama Rao, learned counsel for the petitioner, fairly submitted that G.O.Ms.No.380, Municipal Administration and Urban Development Department, dated 01.08.2013, under which the impugned permission was granted was superseded by G.O.Ms.No.96, Municipal Administration and Urban Development (M1) Department, dated 05.08.2015, and that under the latest G.O., structural stability is an important requirement, which was ignored by respondent No.2 while granting the impugned permission.

A perusal of G.O.Ms.No.96, dated 05.08.2015, shows that it has not been given retrospective effect. As the impugned permission was given under G.O.Ms.No.380, dated 01.08.2013, the petitioner cannot seek its invalidation for the alleged violation of G.O.Ms.No.96, dated 05.08.2015, which came into force subsequent to the grant of the impugned permission by respondent No.2.

In the above view of the matter, I do not find any merit in the writ petition and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.Nos.51469 and 51470 of 2015 filed by the petitioner for interim reliefs shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

09th December, 2015
GHN

