

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.30872 of 2014

ORDER:

The complaint in the present writ petition is the alleged interference of the 2nd respondent-Gram Panchayat with the functioning of Tower erected at H.No.2-152/2, Sy.No.35/5, situated at Ramanaiahpet, Kakinada, East Godavari district.

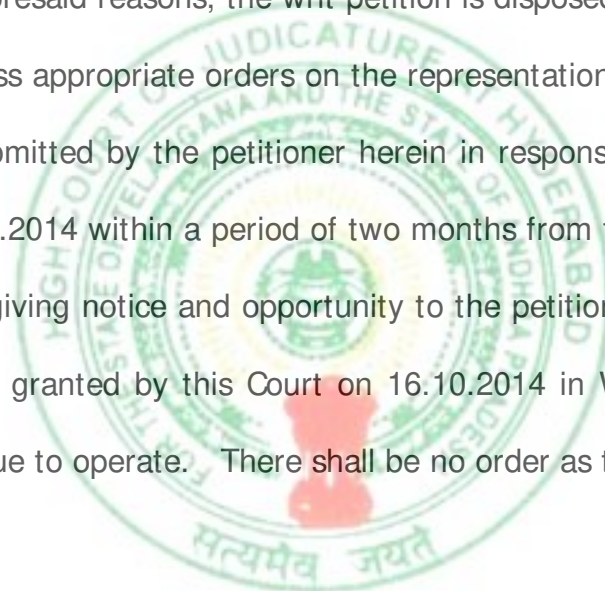
2. Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj for Respondent No.1 and Sri Ravi Cheemalapati for Respondent No.2, apart from perusing the material available on record.

3. The petitioner is a company incorporated under the Companies Act and according to it, it came into existence on 20.11.2007. It is further stated that that the 2nd respondent herein granted permission vide proceedings Roc.No.27/2014-15 dated 30.4.2014 in favour of the petitioner to go ahead with roof top cell tower installation and accordingly, the petitioner company installed the tower and is functioning without any interruption.

4. The 2nd respondent issued a notice vide Rc.No.12/2010 dated 24.7.2014 to the owner of the building, calling upon him to show cause as to why the said permission should not be cancelled on the ground that he constructed another floor on G+2 building and installed the cell tower on the said unauthorised floor. In the said show cause notice, the 2nd respondent also indicated that it is unlawful to install the cell tower under A.P. Panchayat Raj Act, 1994 and G.O.Ms.No.67 (PR&RD) dated 26.2.2002. In response to the said show cause notice dated 24.7.2014, the petitioner herein submitted explanation dated 1.8.2014, stating that they complied with all the requirements and got permission and they did not violate any conditions.

5. The sum and substance of the case of the petitioner in the present writ petition is that without considering the said representation dated 1.8.2014, the 2nd respondent is interfering with the activities of the petitioner. Having issued show cause notice and having received explanation, this Court finds no justification on the part of the respondent authorities in not passing any orders on the said explanation. Therefore, this Court is of the opinion that ends of justice would be served if the Respondent- Gram Panchayat is directed to pass appropriate orders on the explanation dated 1.8.2014 said to have been submitted by the petitioner herein before proceeding further in the matter.

6. For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent to pass appropriate orders on the representation dated 1.8.2014 said to have been submitted by the petitioner herein in response to the show cause notice dated 24.7.2014 within a period of two months from the date of receipt of this order, after giving notice and opportunity to the petitioner herein. Till then, the interim order granted by this Court on 16.10.2014 in W.P.M.P.No.38601 of 2014 shall continue to operate. There shall be no order as to costs.



A.V.SESHA SAI, J

Date: 5.12.2016
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