

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7719 of 2013

ORDER

The prayer of the petitioner in this case was as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that, this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent no.1 is not taking any action against the respondent no.2 and 3 for removing the illegally erected cell towers on the roofs tops of their house buildings in Mangaliwada, ward no.18, 19 of Karimnagar proper and district even though the respondent no.1 issued notices to the respondent No.2 and 3 on 02-01-2013 is nothing but arbitrary illegal null and void and also violative of the provisions of Hyderabad Municipal Corporation Act and also violative of Articles 14, 19 and 21 of the Constitution of India.”

No counter-affidavit has been filed by the Karimnagar Municipal Corporation despite the lapse of three years and despite three adjournments having been granted since September, 2016, to do so.

It is not in dispute that the Karimnagar Municipal Corporation issued notices dated 02.01.2013 to respondents 2 and 3, who did not choose to enter appearance before this Court. Be it noted that respondent No.3 was served while the envelope addressed to respondent No.2 was returned with the endorsement 'unclaimed', which would amount to deemed service.

Having issued the aforesaid notices, it is not open to the municipal authorities to maintain silence thereafter and not take necessary action pursuant to their own notices.

The writ petition is accordingly disposed of directing the Karimnagar Municipal Corporation to take appropriate necessary action pursuant to its notices dated 02.01.2013 issued to respondents 2 and 3 in accordance with the due procedure. This exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

28th October, 2016
PGS

SANJAY KUMAR, J

