

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.5894 OF 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit the petitioner prays this Honourable Court may be pleased to issue an appropriate Writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of

the 1st respondent in straightaway issuing proceedings No. A.900/C-12/CT/TPS/HO/GHMC/2016/162, dated 15/18-02-2016 by revoking the permission procgs.No. 39329/TP/PER/CT/HO/GHMC/2936, dated 22/23.12.2015 in respect of roof top poles erected at Plot No. 75/B, Survey

No. 159, Vidyanagar Colony, Ameenpur, Chandanagar, Serlingampally, Ranga Reddy District, without issuing any prior notice to the petitioner, as arbitrary, illegal, without jurisdiction, in violation of the well-settled principles of natural justice and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

The main ground on which revocation of the permission granted to the petitioner has been questioned in this writ petition is that no notice was issued to it before such revocation is made.

In the opinion of this Court, whatever may be the reason for which the respondents proposed to revoke the permission for erection of cell tower, principles of natural justice require that before revoking the permission, the petitioner which will be seriously affected by such revocation is entitled to an opportunity of being heard. As the respondents failed to follow this procedure, the impugned proceedings are set aside. However, the respondents are permitted to issue a notice to the petitioner calling for objections to the proposed revocation. Within one week of receipt of such notice, the petitioner

shall file its objections. Upon consideration of such objections, if any filed, the respondents shall pass a fresh order.

The writ petition is accordingly allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

24th February, 2016
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