

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

Writ Petition No.2352 of 2016

Dated 01st February, 2016

Between:

M/s.Indus Towers Limited

...Petitioner

And

The Greater Hyderabad Municipal Corporation, rep.by its
Commissioner and Special Officer, Lower Tank Bund, Hyderabad and
another

...Respondents

Counsel for the petitioner: Sri Ghanta Rama Rao

for Sri Mohd.Islamuddin Ansari

Counsel for the respondents: Sri Chatla Madhu

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to set aside proceedings bearing No.2000222/TPS/HO/GHMC/2016/45, dated 20.01.2016, of respondent No.1, whereby it has revoked the permission accorded to the petitioner for erection of new telecommunication infrastructure tower on roof top of premises bearing No.12-1-371/3, Lalaguda, Secunderabad.

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 light of this plea, this Court has adjourned the case on 28.01.2016 to enable the learned Standing Counsel for GHMC to seek

instructions on this aspect. Today, Sri Chatla Madhu, learned Standing Counsel, on instructions, submitted that no prior notice was issued to the petitioner before issuing the impugned proceedings.

In my opinion, 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 proceeding is 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 objection. 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.

As a sequel to disposal of the writ petition, WP.M.P.No.2969 of 2016 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

01st February, 2016
VGB