

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JANUARY,
TWO THOUSAND AND FIFTEEN
PRESENT
THE HON'BLE SRI JUSTICE **A. RAJASHEKER REDDY**

W.P. No. 169 of 2015

Between:

K. Shiva Kumar, S/o Sri Rachappa

Petitioner

AND

1. The State of Telangana, rep. by its Principal Secretary, Municipal Administration & Urban Development Department, Secretariat, Hyderabad.
2. The Commissioner, Tandur Municipality, Tandur, Ranga Reddy District.
3. M/s. Indus Towers Limited, 3rd Floor, USHA 38, Jubilee Towers, Road No.36, Jubilee Hills, Hyderabad.
4. G. Padmaiah, S/o G. Gangaiah, Occ: Retired Services, R/o H.No.5-4-137 to 139, Gunj Road, Pasari Ward, Tandur, Ranga Reddy District.
5. G. Shashikala, W/o G. Padmaiah, Occ: Household, R/o H.No. 5-4-137 to 139, Gunj Road, Pasari Ward, Tandur, Ranga Reddy District.
6. G. Vishanath, S/o G. Padmaiah, Occ: Landlord, R/o H.No. 5-4-137 to 139, Gunj Road, Pasari Ward, Tandur, Ranga Reddy District

Respondents

Writ Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No. 1 & 2 and permitting and allowing the respondent No. 3 to erect and install the Cell Tower over their building at H.No. 5-4-137 to 139, Pasari Ward, Tandur, Ranga Reddy District contrary to provisions of the G.O.M.s No.380, Municipal Administration & Urban Development Department, dated 01.08.2013 which belongs to respondent Nos. 4 to 6 and consequently direct the respondent No 2 to remove the bare structures made by the respondent No. 3 trying to erect and install the Cell Tower at their house H.No.5-4-137 to 139, Pasari Ward, Tandur, Ranga Reddy District;

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WPMP.No.182/2015

Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased to direct the respondent Nos.1 & 2 not to allow further illegal activities of the respondent No. 3 in erecting and installing the Cell Tower, over the 4th floor, at H.No.5-4-137 to 139, Pasari Ward, Tandur, Ranga Reddy District belongs to the respondent Nos.4 to 6 contrary to provisions of the G.O.Ms.No.380, Municipal

Administration Urban Development Department, dated: 01-08-2013, Pending disposal of WP No. 169 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and order of the High Court dated 07/012015 and upon hearing the arguments of Sri. V.V. Ramana, Advocate for the Petitioner,, Advocate for the Petitioner and of Sri D. Bhaskar Reddy , standing counsel for the 2nd Respondent , the Court made the following

Order:

“Heard the learned counsel for the petitioner.

The Commissioner, Tandur Municipality issued a notice dated 11-07-2014 instructing the 3rd respondent to stop the installation of Cell Tower immediately, as it is in violation of G.O.Ms. No. 380 dated 01-08-2013.

In view of the above, status-quo order granted earlier shall stand extended until further orders.

Post after three (03) weeks along with W.P. No. 4279/2014 and batch.

Print the name of Sri D. Bhaskar Reddy, learned Standing counsel for the 2nd respondent.

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Municipal Administration & Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Tandur Municipality, Tandur, Ranga Reddy District.
3. M/s. Indus Towers Limited, 3rd Floor, USHA 38, Jubilee Towers, Road No.36, Jubilee Hills, Hyderabad.
4. G. Padmaiah, S/o G. Gangaiah, Occ: Retired Services, R/o H.No.5-4-137 to 139, Gunj Road, Pasari Ward, Tandur, Ranga Reddy District.
5. G. Shashikala, W/o G. Padmaiah, Occ: Household, R/o H.No. 5-4-137 to 139, Gunj Road, Pasari Ward, Tandur, Ranga Reddy District.
6. G. Vishanath, S/o G. Padmaiah, Occ: Landlord, R/o H.No. 5-4-137 to 139, Gunj Road, Pasari Ward, Tandur, Ranga Reddy District.
7. Two CCs to G.P. for Municipal Administration, High Court, at Hyderabad (OUT)
8. One CC to Sri. V.V. Ramana, Advocate (OPUC)
9. One spare copy

Ags

AGS
Dt: 30/01/2015.

HIGH COURT

ARRJ

DT: 28-01-2015

NOTE: **Post after three (03) weeks along with W.P. No. 4279/2014 and batch.**

ORDER

W.P.NO.169 OF 2015

STATUS QUO EXTENDED

Drafted by: KK
Drafted on: 8-1-2015

HIGH COURT

ARRJ

DT. 7-1-2015

NOTE: POST ON 21-1-2015 IN THE MOTION LIST

ORDER

W.P.NO.169 OF 2015

STATUS QUO