

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT APPEAL No. 111 OF 2016

19-02-2016

Between:

Jaisuryapatnam Residents Welfare Association, regd. No.2545/2003,
rep., by its President Sri K. Bhasker Reddy, S/o. K. Krishna Reddy,
J.S.P., Po. Nadergul Village, Saroornagar Mandal, Ranga Reddy
District

... Appellant

And

The State of Telangana, rep., by its Principal Secretary, Department of
Panchayat Raj, Secretariat, Hyderabad and others

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT APPEAL No. 111 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This appeal is directed against the order dated 05-01-2016 passed in Writ Petition No.184 of 2016 whereby the appellant's petition has been dismissed. In the writ petition, the appellant prayed for Mandamus declaring the action of respondent Nos.1 to 4 in not taking action against respondent No.5 for erecting new telecommunication infrastructure tower in Plot No. 265 in Survey Nos.35 to 39, 41, 42, 361 and 363 situated at Nadergul Village, Saroornagar Mandal as illegal, unjust and in violation of G.O.Ms.No.96, dated 05-08-2015. The appellant also prayed for direction to respondent Nos.1 to 4 to prevent erection of the tower.

The only contention, that was urged before learned single Judge, by the appellant was that the material placed before the Court would show that the impugned permission was granted by antedating the same on the purported application dated 02-11-2014 to respondent No.5, while the material obtained by the appellant under the Right to Information Act, 2005, shows that a formal application for building permission was filed by respondent No.5 on 25-11-2015.

We have perused the permission dated 24-11-2015 which clearly makes a reference to the application dated 02-11-2014 made by respondent No.5 and on the basis thereof, permission has been granted. Merely because in response to the application under the

Right to Information Act, 2005, the application dated 02-11-2014 was not furnished to the appellant cannot be a ground to accept the submission made on behalf of the appellant. That apart, tower has not been erected in violation of any law granting building permission to respondent No.5 in terms of G.O.Ms.No.96, dated 05-08-2015.

In view thereof and having regard to the reasons recorded by learned single Judge for dismissing the writ petition, we do not find any reason to interfere with the same.

Hence, the appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

19-02-2016
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