

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.18937 of 2016

ORDER :

Heard the counsel for petitioner; and Sri P. Kesava Rao, counsel for respondents.

2. The petitioner has assailed proceedings dt.19 / 21.05.2016 in e-79169/HO/TPS/GHMC/CT/2016/724 issued by 1st respondent rejecting the permission granted to petitioner for erecting a telecommunication infrastructure tower in the subject premises on 29.03.2016.

3. It is not in dispute that that petitioner had submitted a detailed explanation on 03.06.2016 to the show-cause notice dt.30.04.2016, but in the meantime, the impugned order has been passed mentioning that petitioner had not submitted any explanation to the said show-cause notice and also on the ground that certain complaints were received from the Secretary of Filmnagar Co-operative Housing Society and Members of the said Society.

4. Since the petitioner had submitted an explanation dt.03.06.2016 to the show-cause notice dt.30.04.2016 issued by respondents, the Writ Petition is allowed, the impugned order is set aside and the 1st respondent is directed to pass a fresh reasoned order after considering petitioner's explanation and keeping in mind the parameters for exercising power under Section 450 of the Act.

5. Till such a fresh order is passed, the respondents shall not interfere with the tower erected by petitioner pursuant to the permission granted on 29.03.2016 by respondents.

6. Accordingly, the Writ Petition is allowed with the above directions. No order as to costs.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 30-08-2016

Ndr/*

