

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.22493 OF 2012

ORDER:

Heard Mr.Ansari for petitioners, the Assistant Government Pleader for 2nd respondent and Mr.Narender Reddy for 1st respondent.

The petitioners pray for Mandamus declaring the action of 1st respondent putting the lock and seal, disconnecting power supply given to cell tower established by petitioners at H.No.4-318, Narayana Nagar, Hasanparthi Mandal, Warangal District without issuing notice or giving opportunity, as illegal, arbitrary and unconstitutional.

This Court on 24.07.2012 granted the following interim direction:

“Heard Sri G.Rama Rao, learned counsel for the petitioners, Sri K.Rama Krishna, learned counsel representing Sri P.Raghavender Reddy, learned standing counsel for the first respondent and Sri Zakir Ali Danish, learned Assistant Government Pleader for Panchayat Raj and Rural Development for the second respondent.

The petitioners are claimed to be identically situated as the petitioners in W.P.M.P.No.28064 of 2012 in W.P.No.21899 of 2012. An identical factual matrix led to the passing of appropriate interim order dated 20.7.2012 therein. The petitioners herein deserve consideration for grant of same relief in the interests of justice.

Therefore, pending hearing on merits on completion of pleadings, there shall be an interim direction not to interfere with the functioning of tower by the respondents and the first respondent shall remove the lock and seal put on the subject tower.

The interim direction is subsisting as on date 24.07.2012,

The respondents have not filed counter or sent instructions.

Having regard to the grievance of the petitioners and the interim direction granted on 24.07.2012, I am satisfied that the writ petition can be disposed of by this order:

a) the interim direction dated 24.07.2012 shall be directed to be treated as final order in the writ petition.

b) the respondents are given liberty to issue notice, if circumstances warrant, to petitioners, afford opportunity to petitioners and pass orders as are deemed fit and proper in the circumstances of the case.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 23.01.2017

Sp

S.V.BHATT,J

