

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.15971 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of respondents 1 to 4 herein in not taking the action against the 5th respondent for unauthorized construction of 4th and 5th floors and pent house and erection of cell towers in the premises House bearing No.16-3-21-447 at Plot No.447, of Bhagat Singh Nagar, Kukatpally, Hyderabad, contrary to the approved building plan vide permit No.17154/DC/WZ/Cir-14/2012, dated 23.11.2012, of the GHMC and also the 5th respondent had violated the statutory provisions of the GHMC Act, 1955, by constructing G+5 instead of G+3 as per sanction plan and also the 5th respondent was accorded the provisional clearance for installation of cell tower on the roof of the 5th respondent premises by the 6th respondent even though the petitioner housing co-operative society objecting the same by passing the resolution in the general body meeting and also raising the objections by the surrounding residents for erection of cell tower by the 6th respondent which seriously effects the health of the neighbour residents due to delivery of radiation waves by the cell tower as bad and illegal and in violation of Articles 14 and 21 of the Constitution of India, and consequently direct respondents 1 to 4 herein to demolish the unauthorised structure of 4th and 5th Floors pent house of the 5th respondent and dismantle the Cell tower erected by the 6th respondent immediately.

2. Heard both sides and perused the material available on record. With the consent of both the counsel, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is a society registered in the year 1980. The 5th respondent entered into an agreement with the 6th respondent on 14.06.2016 for leasing out an area of 800 square feet on the top of his G+5 illegal building in favour of the 6th respondent for erection of cell tower and that on the application made by the 6th respondent, the 2nd respondent had issued proceedings No.20/TP/PER/HO/TPS/GHMC/CT/2016, dated 23.07.2016, by according provisional clearance for erection of cell tower. The residents of that locality people had made objections for erection of cell tower on the top of the house of the 5th respondent through the grievance online to the GHMC portal.

4. The main grievance of the petitioner society is that the petitioner society had also specifically requested the 2nd respondent through letters, dated 16.08.2016 and 03.11.2016, to re-look into the permission issued for erection of cell tower, but so far, no action is taken on the said representations by the 2nd respondent and the same are pending.

5. When the matter is taken up, learned Standing Counsel for respondents 2 to 4 represented that the respondent authorities will expeditiously dispose of the representations of the petitioner society.

6. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the 2nd respondent to consider the representations of the petitioner, dated 16.08.2016 & 03.11.2016, pass appropriate orders, as expeditiously as possible, as warranted by law and communicate the decision to the petitioners. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO,J

Date: 29th June, 2017

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