

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.13113 OF 2011

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate Writ, order or direction, especially one in the nature of a Writ of Mandamus declaring the action of the respondent in interfering with the erection of tower at H.No.30-2-10, Block No.12, NTS No. 802, 803, Ananda Samajam Road, Arundalpet, Lakshmipuram, Vijayawada Town, Krishna District by the petitioner company by virtue of deemed permission, without issuing any notice whatsoever and without following due process of law as arbitrary, illegal, contrary to the provisions of the H.M.C. Act and in violation of the well settled principles of natural justice.”

2. The main grievance of the petitioner Company is that the respondent Corporation is interfering with the erection of cell tower at the premises in question without issuing any notice and without following the due process of law.

3. Heard and perused the material available on record.

4. Considering all the facts and circumstances of the case, this Court is of the view that the writ petition can be disposed of with the following direction:

The respondent Corporation is directed not to interfere with the erection of the cell tower of the petitioner Company at the premises in question without following the due process of law and if the petitioner Company has already erected the cell tower

violating the statutory provisions, action can be taken only after issuance of notice to the petitioner Company.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

01.03.2017
AMD



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Date: 01.03.2017

AMD