

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION NO.26015 OF 2011

ORDER:

1. This writ petition is filed seeking to declare the action of the respondent in interfering with the functioning of the tower erected by the petitioner-company at Dr.No.26-4/1/10, Survey No.886/6A, Krishnamurthy Street, Near Zinkhana Club, Gandhinagar, Vijayada, Krishna District, without following due process of law, as illegal and arbitrary.

2. It is the case of the petitioner-company that the Central Government granted licence to the petitioner-company to provide Telecom Infrastructure (IP-I) in the State of Andhra Pradesh and as per the said licence, the petitioner-company has to erect and install mobile telecom equipment for the benefit of various telecom service providers. The petitioner-company after entering into leave and licence with the owner of the above premises, submitted an application to the respondent-corporation requesting to grant permission for erection of tower. As there was no response from the respondent-corporation, the petitioner-company after waiting for a period of 30 days, erected tower in the above premises. While so, the officials of the respondent-corporation came to the said premises and started interfering with the functioning of the tower erected by the petitioner-company and demanded to take permission by paying Rs.10,000/- towards installation fee, even though there is no requirement of obtaining any such permission. Hence, this writ petition is filed by the petitioner.

3. Heard and perused the material available on record.

4. The main grievance of the petitioner is that the authorities of the respondent-corporation are interfering with the functioning of the tower erected by the petitioner-company in the above premises without following any due process of law.

5. Considering the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The authorities of the respondent-corporation are directed not to interfere with the functioning of the tower erected by the petitioner-company at Dr.No.26-4/1/10, Sy.No.886/6A, Krishnamurthy Street, Near Zimkhana Club, Gandhinagar, Vijayawada, Krishna District, without following due process of law. ”

6. With the above direction, the Writ Petition is disposed of. No costs. Miscellaneous petitions pending, if any, shall stand closed.

Dated: 6.3.2017.
Nn

Justice Raja Elango



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