

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.26631of 2016

ORDER:

This Writ Petition is filed on the apprehension that pursuant to the show cause notice dated 09/24.06.2016, issued by the respondent to the petitioner, the respondent may proceed to demolish the Roof Top Tower being erected on the terrace of building bearing Plot No.1211 in Sy.No.78 situated at Gokul Plots, Venkataramana Colony, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District, without considering the explanations that have been submitted by the petitioner.

The case of the petitioner is that as a Telecom Infrastructure (IP-I) Company, it has obtained permission from the respondent, vide Proceeding No.69251/TP/PER/HO/TPS/GHMC/CT/2016/399, dated 29.03.2016, and erected a tower on the terrace of building bearing Plot No.1211 in Sy.No.78 situated at Gokul Plots, Venkataramana Colony, Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District and only operators have to install their equipments. While the things stood thus, basing on the complaint dated 30.05.2016 received from the residents of Gokul Plots, the respondent has issued a notice bearing proceedings No.A/4441/HO/TPS/GHMC/ CT/2016/900, dated 09/24.06.2016, calling upon the petitioner to show cause as to why the provisional permission granted for erection of cell tower shall not be cancelled and directed to submit reply within 7 days and further directed to stop erection of the tower forthwith. Accordingly, the petitioner submitted a detailed reply dated 01.07.2016. Since the respondent, without considering the said representation, frequently coming to the site and threatening to demolish the tower, the petitioner again

submitted a representation dated 28.07.2016, specifically stating that the Corporation cannot exercise the power under Section 450 of the HMC Act, 1955, unless the permission is obtained by material misrepresentation or fraudulent statement. Based on the complaint of apprehending health hazards, permission cannot be revoked and hence the petitioner requested the respondent to consider the representations and drop all further proceedings. However, without considering the representations and without passing any orders, the respondent is threatening to demolish the tower. Hence, the present writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the GHMC.

The material on record discloses that in response to the show cause notice dated 09/24.06.2016, the petitioner had submitted explanations on 01.07.2016 as well as on 28.07.2016. Considering the fact that the petitioner has already submitted explanations, interest of justice would be served if a direction is issued to the respondent to consider and dispose of the objections raised by the petitioner to the impugned show cause notice, within a period of four weeks from the date of receipt of a copy of this Order, in accordance with law and till such time no coercive action shall be taken against the petitioner. Ordered accordingly.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Consequently, the Miscellaneous Petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

Date: 27.02.2017
Ssv