

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.19636 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue an appropriate Writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 3rd and 4th respondents in interfering with the erection work of the cell tower on the terrace of D.No.1-32, Ward No.1, Sy. No. 52, Sanivarapupeta Gram Panchayat, Eluru Mandal, West Godavari District, as per permission vide proceedings bearing No. e-478057/2016-A9(Pan), dated 22-01-2017 granted by the 2nd respondent, without considering the explanation dated 28-4-2017 and without passing final order, as arbitrary, illegal, in violation of well settled principles of natural justice and contrary to the provisions of Andhra Pradesh Panchayat Raj Act, 1994.”

2. Heard learned counsel for the petitioner and perused the prayer in the writ petition with supporting affidavit and the other material on record and also heard the learned standing counsel Sri Ravi Cheemalapati, offers to file vakalat from the oral instructions, representing the 3rd respondent and the learned Government Pleader for Panchayat Raj representing the respondents 1, 2 and 4.

3. Undisputedly, Collector (Panchayat wing) accorded permission to the petitioner for erection of the ATC Cell Tower at Sanivarapupeta Panchayat and Mandal, vide proceedings bearing No.e-478057/2016-A9(P), dated 22.01.2017, at H.No.1-32, Ward No.1, which is part of survey No.52 of M/s. ATC Telecom Tower Corporation Private Limited.

4. Pursuant to the nearby persons of ward No.1 of Sanivarapupeta complaint dated 22.03.2017 to the Panchayat that was referred; the Collector (Panchayat wing), by proceedings dated 25.04.2017, issued show-cause notice to the petitioner as to why the permission shall not be revoked. The petitioner submitted his reply dated 28.04.2017. The same is pending consideration.

5. A perusal of the show-cause notice dated 25.04.2017, no way speaks the existing permission is suspended pending consideration of the reply and passing of orders for revocation or not as the case may be.

6. Having regard to the above, while directing the Collector (Panchayat wing) to dispose of the said representation of the petitioner pursuant to the show-cause notice supra, within two weeks from the date of receipt of a copy of this order, any construction by petitioner if at all meantime is at the risk and cannot claim any sort of equity or entitlement but for to remove in the event of negative order subject to finality and

without prejudice his any further grievance to vindicate in appropriate forum of law.

7. Accordingly and with the above direction, this writ petition is disposed of. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO,J

19.06.2017

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