

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10031 of 2017

ORDER:

Notice dated 13.03.2017, issued under Section 452(1) of the Greater Hyderabad Municipal Corporation Act, 1955, is challenged before this Court.

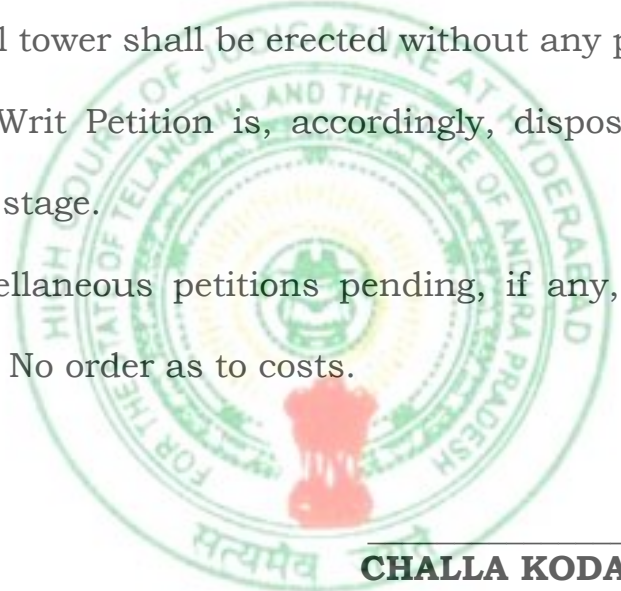
It is the specific assertion of the petitioner that the subject cell tower at H.No.1-4-200/133A, Eswaripuri Colony, Sainikpuri, Kapra, Hyderabad, was erected as far back as in 2007 following the procedure then-existing in terms of G.O.Ms.No.183 dated 27.02.2008; as a matter of fact, no new additions have been made at the subject premises; and, only on account of not meeting the illegal demands of local area people, notice has been issued. Though these aspects have been set out by the petitioner in their reply dated 06.03.2017, the same were not considered by the respondents.

Sri Pasham Krishna Reddy, learned Standing Counsel for respondent No.2, submits that, in so far as the existing cell tower is concerned, respondents are not interfering with in any manner and, if any new cell tower is erected, respondent – authorities are entitled to obstruct the petitioner as they are required to take necessary permission under the relevant notified Government Orders.

In the light of the respective submissions, and on perusal of the material on record, there being no dispute that the cell tower at H.No.1-4-200/133A, Eswaripuri Colony, Sainikpuri, Kapra, Hyderabad, is in existence since 2007, no permission at this point of time is required. In as much as it is not being disputed by the learned Senior Counsel for the petitioner that if new cell tower is being erected, necessary permission, as required under G.O.Ms.No.96 dated 05.08.2015, has to be obtained, and no new cell tower shall be erected without any permission.

The Writ Petition is, accordingly, disposed of at the admission stage.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.



CHALLA KODANDA RAM,J

Date: 21.03.2017
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