

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.14044 OF 2016

ORDER:

1. This writ petition is filed by the petitioner seeking a direction to respondents Nos.2 to 5 to remove the cell phone tower and equipments installed by the 7th respondent on the terrace of House bearing No.10-2-289/17, Shanti Nagar, Hyderabad.

2. Heard and perused the material available on record.

3. It is the case of the petitioner that he is residing as tenant in Flat No.201 in second floor in the building premises bearing No.10-2-289/17, Shanti Nagar, Hyderabad and that the 6th respondent, who is the owner of the above said flat and the third floor of the said building, let out the terrace of the third floor premises on rent to the 7th respondent and that the 7th respondent erected a huge cell phone tower with heavy iron rods. The 7th respondent is neither maintaining the tower for past several years nor taking any care and precautions. The petitioner made a written representation on 21.3.2016 to the official respondents to remove the said cell phone tower. But no action has been taken so far. Hence, the petitioner filed this writ petition.

4. It is submitted on behalf of the official respondents that the representation of the petitioner for removal of the Cell Phone Tower in question is not maintainable since licence was granted to the 7th respondent for erection of Cell Phone tower and it is for the 6th respondent-owner of the said building to seek for removal, if she is aggrieved over the erection of the Cell Phone Tower in question, and that if any representation is given

by the petitioner for cancellation of licence, the same will be considered in accordance with law.

5. Recording the above submission, the Writ Petition is disposed of directing the official respondents to consider the representation of the petitioner, pending if any, and pass appropriate orders, in accordance with law. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 14th July, 2017
Nn.



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