

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 20408 of 2012

ORDER:

The petitioner challenges notice in R.C.No.GPA/ 2012, dated 06-06-2012 calling upon the petitioner to remove/shift the cell-tower erected in open space situated in H.No.4-36, Arepalli village, Hanamkonda Mandal, Warangal district, as arbitrary, illegal and without jurisdiction.

2. The case of petitioner is that the 3rd Respondent without issuing show cause notice or affording opportunity directed removal of cell-tower established by petitioner in the subject premises.

3. On 06.07.2012, this Court restrained the Respondents from taking any coercive steps pursuant to the impugned notice dated 06.06.2012. The said interim order is subsisting as on date.

4. The Respondents, in spite of service of notice, did not file any counter-affidavit, much less a petition seeking vacation of the interim order dt.06.07.2012.

5. Be that as it may, on the ground that the impugned notice is issued without affording opportunity to the petitioner, without going into the merits of the writ petition, this Court is satisfied that the writ petition can be disposed by this order.

(a) The Respondents are directed to treat the notice impugned in the writ petition as show cause notice and the petitioner is given liberty to file explanation, within four weeks from the date of receipt of copy of this order, before 3rd Respondent, and

(b) The 3rd Respondent is directed to consider and pass orders within six weeks thereafter.

(c) Interim order granted on 06.07.2012 shall continue till a final decision is taken by Respondents and communicated to petitioner.

6. The writ petition is disposed of accordingly. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

February 21, 2017
Kv



S. V. BHATT, J

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