

Writ Petition No. 1138 of 2013

ORDER:

Heard Sri Mohd. Islamuddin Ansari, learned counsel for the petitioner, and Smt. P. Lakshmi, learned Standing Counsel for the Warangal Municipal Corporation and, with their consent, the writ petition is disposed of.

The action of the respondent in interfering with the roof top cell tower constructed by the petitioner is questioned in this writ petition as being arbitrary and illegal. It is the petitioner's case that, despite their having submitted an application seeking permission, the respondent had issued a notice asking them to show cause why the subject structure should not be removed; and though they had submitted their reply thereto, the respondent-Corporation was taking coercive steps to dismantle the roof top cell tower without passing any orders pursuant to the earlier show cause notice.

Smt. P. Lakshmi, learned Standing Counsel, would submit that there are several Government Orders that have been issued from time to time; and, instead of keeping the writ petition pending on the file of this Court, it would suffice if this Court were to permit the Warangal Municipal Corporation either to take action pursuant to the earlier show cause notice issued by them or to issue a show cause notice afresh and, thereafter, take action in accordance with law.

In view of the submission of the learned Standing Counsel, I consider it appropriate to dispose of the writ petition permitting the respondent-Corporation to put the petitioner on notice regarding the roof top cell tower, which was already erected by them, give the petitioner an opportunity of being heard, and thereafter pass a reasoned order in accordance with law. It is open to the respondent-Corporation, after passing such an order, to proceed and take action against the petitioner,

for the roof top cell tower erected by them, in accordance with law in terms of the executive instructions issued from time to time.

The writ petition stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

20th January, 2017

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