

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.25597 of 2017

ORDER:

Heard Sri Ghanta Rama Rao, learned Senior Counsel appearing for Sri Mohd. Islamuddin Ansari, learned counsel for the petitioner on record and Sri Pashyam Krishna Reddy, learned Standing Counsel for the first respondent Municipal Corporation.

2. The respondent/Municipal Corporation vide Proceedings No.40/TP/PER/HO/TPS/GHMMC/CT/2016/20, dated 30.12.2018/06.01.2017, granted provisional permission/clearance in favour of the petitioner for erection of Roof Top Tower (RTT) and Ground Based Tower (GBT). Subsequently, by virtue of an order vide Proceedings No.E-116803/HO/TPS/GHMC/CT/2017/340, dated 18/27.05.2017, the respondent Corporation revoked the said provisional permission/clearance granted in favour of the petitioner herein. The present writ petition challenges the said order of revocation passed by the respondent/Municipal Corporation dated 18/27.05.2017.

3. According to the learned Senior Counsel the impugned action is highly illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India and also violative of the principles of natural justice.

4. On the other hand, it is vehemently submitted by the learned Standing Counsel Sri Pashyam Krishna Reddy that there is no illegality nor there exists any infirmity in the impugned action and only after giving complete opportunity to the petitioner herein, the respondent Municipal Corporation passed the impugned order, revoking the provisional license granted earlier,

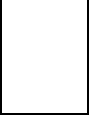
as such, the petitioner herein cannot complain any violation of the principles of natural justice.

5. According to the learned Senior Counsel, the petitioner herein did not receive the show-cause notice said to have been given by the respondent Municipal Corporation on 18/27.05.2017. It is further submitted that the respondent/Municipal Corporation did not send the said show-cause notice to the address given in the provisional permission. It is also the submission of the learned Senior Counsel that even after passing of the impugned order, petitioner herein submitted representation to the respondent Municipal Corporation bringing to the notice of the Municipal Authorities the realities in the issue.

6. Having heard the learned Senior Counsel for the petitioner and the learned Standing Counsel, this Court deems it appropriate to dispose of the writ petition by permitting the petitioner herein to treat the impugned order of revocation as show-cause notice and to submit explanation for the same by enclosing all the supportive documents, if any, within a period of two weeks from the date of receipt of this order. If any such representation is filed, the same be considered and appropriate final orders be passed, in accordance with law, after giving opportunity to all the stake holders. It is made clear that in the event of failure on the part of the petitioner to submit explanation as indicated, this order will not enure to the benefit of the petitioner herein and the respondents are at liberty to proceed in accordance with law. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 29.08.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.25597 of 2017

Dated:29.08.2017

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