

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 28575 of 2017

Order:

The petitioner is a Telecom Company engaged in the business of providing Passive Telecom Site Infrastructure Service. It was registered with the Department of Telecom and got a good name and experience in the erection of towers and providing telecom infrastructure. While so, it identified a site in Door No.2-76, Block No.2, situated at Gummadidal village and Mandal, Sanga Reddy District which was found to be feasible for maintaining the continuous network of service providers. Accordingly, it entered a leave and license agreement with the owner of the land and submitted an application on 12.07.2017 in accordance with the requirements of G.O.Ms.No.334 dated 09.10.2012 read with G.O.Ms.No.420 dated 24.09.2013 to the Gram Panchayat, second respondent. The second respondent accorded provisional permission on 01.08.2017 for erection of ground based tower. After according the provisional permission, now a notice was issued on 09.08.2017 cancelling the earlier permission stating that the proposed tower is nearer to the electrical power supply lines and there is opposition from the villagers. Challenging the said notice dated 09.08.2017, the present Writ Petition is filed.

Learned Senior Counsel Sri G. Rama Rao appearing for the petitioner submits that the impugned notice was issued without giving any opportunity after issuance of the earlier provisional permission and, hence, it is bad in law.

There is no dispute with regard to provisional permission granted on 01.08.2017 and, when the said provisional permission is withdrawn,

the petitioner should have been afforded an opportunity of hearing before taking any action with regard to objection raised by the villagers. The copy of the objections was also not furnished to the petitioner in order to understand the nature of objections.

In the circumstances, this Writ Petition is disposed of directing the second respondent to supply copy of the objections to the petitioner within one week time in order to enable the petitioner to submit proper explanation on the objections for the consideration of the second respondent. After receipt of the same, the petitioner shall submit its explanation within two weeks thereafter. After receipt of the explanation from the petitioner, the second respondent shall pass appropriate orders in accordance with law. Till such time, no action shall be taken by either of the parties with respect to erection of tower. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 24.08.2017
Nsr