

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 20623 of 2012

ORDER:

The petitioners challenge notice in R.C.No.GPA/ 2012, dated 06-06-2012 calling upon the petitioners to remove/ shift the cell-tower erected in open space situated in H.No.4-59, Arepalli village, Hanamkonda Mandal, Warangal District, as arbitrary, illegal and without jurisdiction.

2. The case of petitioners is that the Respondents issued notice dt. 09.12.2011 to which the petitioners submitted detailed explanation on 13.12.2011. However, the Respondents without considering the objections raised by the petitioners issued the notice impugned in the writ petition calling upon petitioners to remove the cell tower, established in open space situated in H.No.4-59, Arepalli Village, Hanamkonda Mandal, and the notice to remove is illegal.

3. The Respondents, in spite of service of notice, have not filed any counter-affidavit.

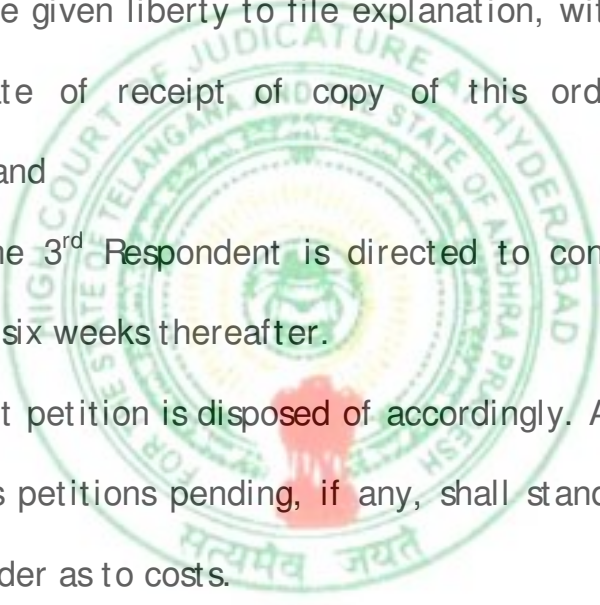
4. Be that as it may, the principal objection of petitioners is that the 3rd Respondent is under obligation to consider the explanation given by petitioners, record reasons and if not satisfied with the explanation given by the petitioners, then ought to have directed removal of cell-tower. In the case on hand, none of the

objections now stated in the writ petition has been followed by the 3rd Respondent. After perusing the material available on record, and the letter dated 29.06.2012 of the 3rd Respondent, I am satisfied that the objection now raised by the petitioners appears to be reasonable and tenable. Therefore, to meet the ends of justice, I am satisfied that the writ petition can be disposed of by this order.

(a) The Respondents are directed to treat the notice impugned in the writ petition as show cause notice and the petitioners are 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.

5. 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.


S. V. BHATT, J

February 21, 2017
Kv

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