

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16967 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the 2nd respondent in issuing permission/clearance to the 4th respondent, *vide* Procg. No.11/TP/PER/HO/GHMC/CT/2017/306, dated 20.03.2017, to construct/erect a Roof Top Tower (Telecom Infrastructure Tower) on the roof top of the building bearing H.No.1-2-29/70, Nandamuri Nagar, Hyder Nagar, Kukatpally-500 085, belonging to the 5th respondent, as illegal and arbitrary.

2. Heard both sides and perused the material available on record. With the consent of both the learned counsel, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner association is that the members of the petitioner association own and possess residential flats in the Vertex Pleasant residential complex, having purchased under a valid, respective registered Sale Deeds. The 2nd respondent had issued provisional permission/clearance, *vide* Proceedings No.11/TP/PER/HO/GHMC/CT/2017/306, dated 20.03.2017, to the 4th respondent to construct/erect a Roof Top Tower (Telecom Infrastructure Tower) on the roof top of the building bearing H.No.1-2-29/70, Nandamuri Nagar, Hyder Nagar, Kukatpally-500 085, belonging to the 5th respondent, and that the said permission is stated to be subject to the conditions prescribed in G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015.

4. The main grievance of the petitioner is that the petitioner association has submitted representation, dated 12.04.2017, to the respondent authorities, but so far, no action is taken by the 2nd respondent and the same is pending.

5. Learned counsel for the petitioner submitted that the permission granted to the 4th respondent is in violation of the conditions prescribed in the G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, and also in violation of the guidelines issued by the 3rd respondent in its "Advisory Guidelines for State Governments for Issue of Clearance of Installation of Mobile Towers", effective from 01.08.2013, and prays to take action against the 4th respondent.

6. When the matter is taken up, both the learned counsel agreed for disposal of the writ petition with a direction to the respondent authorities to expeditiously dispose of the representation of the petitioner.

7. Having regard to the same, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondent authorities to consider the representation of the petitioner association, dated 12.04.2017, pass appropriate orders, as expeditiously as possible, as warranted by law, and communicate the decision to the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 3rd July, 2017
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