

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14709 of 2016

ORDER:

This Writ Petition is filed to declare the action of the 2nd respondent in interfering and threatening to remove the Roof Top Tower being erected on the building bearing H.No.3-9/10, Plot No.10 in sy.No.54/A, Madeenaguda, Serilinampally, Hyderabad, as per permission bearing Proceeding No.16/TP/HO/GHMC/CT/ 2014/249, dated 19.07/28.08.2014, at the behest of the respondent Nos.3 to 10, without issuing any prior notice to the petitioners.

The case of the petitioner is that as a Telecom Infrastructure (IP-I) Company it has obtained permission from the 1st respondent, vide Proceeding No.16/TP/HO/GHMC/CT/ 2014/249, dated 19.07/28.08.2014, has commenced the erection of the tower on the terrace of building bearing H.NO.3-9/10, Plot No.10 in sy.No.54/A, Madeenaguda, Serilingampally, Hyderabad. It is further submitted that after commencement of erection work, the local people, especially respondent Nos. 3 to 10 started interfering with the erection of the subject tower and also the officials of 2nd respondent came to the site and directed to stop the work and threaten to remove the tower stating that the permission granted by the 1st respondent has already lapsed, as the tower is not erected within 3 months, as per the permission and advised the petitioner company to submit an application for renewal of said permission by paying an amount of Rs.25,000/-. Accordingly, though there is no requirement for submission of application for renewal of permission, in order to avoid unnecessary interference by the respondent Corporation, the petitioner company has submitted an application dated 05.03.2016 by paying an amount of Rs.25,000/-, however, no orders passed on

the said application. In spite of that on 22.04.2016 while the representative of the petitioner company went to the site to complete the remaining work of the tower, the officials of the 2nd respondent came to the site and directed to stop the work and threatened to remove the tower without issuing any notice to the petitioner. Challenging the same, the present Writ Petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel for the GHMC.

The main contention of the petitioner company is that the authorities of the GHMC, without issuing any proceedings and without following due process of law, are interfering with the erection work taken up by the company. Therefore, in the interest of justice, it would be appropriate to direct the respondent authorities that if at all any action to be taken against the petitioner, the respondent authorities shall issue notice to the petitioner and after taking into consideration of the explanation that is being submitted by the petitioner and after providing opportunity of hearing as required under law shall pass appropriate orders in accordance with law.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall also stand closed.

Consequently, the Miscellaneous Petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

Date: 22.02.2017
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