

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.5194 of 2018

ORDER:

Heard the learned counsel for the petitioner, Sri N.Siva Reddy, learned Standing Counsel for respondent Nos.1 and 2 and Sri G.Seshadri, learned counsel for 3rd respondent.

2. Petitioner is engaged in the business of working and maintaining of cellular mobile towers. It approached 3rd respondent for grant of permission to erect a ground based tower and 3rd respondent granted such permission on 05-04-2017. Thereafter, petitioner approached 2nd respondent for grant of electricity supply to the proposed tower. In the meantime, on the pretext that there were complaints of some villagers, 3rd respondent wrote to 2nd respondent not to provide electricity supply to the cell tower sought to be erected by the petitioner.

3. It is stated in the said letter that W.P.No.21849 of 2017 is filed in this Court challenging the grant of permission by the Gram Panchayat and that was why electricity supply could not be released to the service connection sought by the petitioner.

4. Learned counsel for the petitioner contends that firstly, no permission or consent of residents is required to be taken for erection for a cell tower, that there is no interim order granted by this Court in W.P.No.21849 of 2017 in favour of the persons who approached the Court to stop the erection of the cell tower; and

mischievously 3rd respondent issued said letter to 2nd respondent. He further contended that 2nd respondent ought not to have relied on the said communication from 3rd respondent and stopped supply by electrical energy to the petitioner's cell tower.

5. Learned counsel for 3rd respondent is unable to state on what basis he addressed a letter to 2nd respondent not to provide electrical energy to the petitioner's cell tower particularly when there is no interim or final order in W.P.No.21849 of 2017 in favour of the parties therein to stop the erection of the cell tower or its activation. The 2nd respondent has no business to act on the dictation of 3rd respondent and stop the process of sanctioning service connection to the petitioner.

6. Accordingly, the Writ Petition is allowed with costs of Rs.2,000/- (Rupees Two Thousand only) to be paid by both 2nd and 3rd respondents to the petitioner; the 2nd respondent shall ignore the letter written by 3rd respondent not to give electrical energy to the petitioner's cell tower; and subject to the petitioner complying with all other formalities including payment of requisite charges, 2nd respondent shall release service connection to the petitioner's cell tower within two weeks from today.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 13-07-2018

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