

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.20422 of 2011

ORDER:

The relief sought for in this Writ Petition is to declare the action of the 1st respondent, in interfering with the installation of the cell tower erected in the subject building even after according permission for construction of the tower without issuing any notice to the petitioner, as arbitrary and illegal.

Initially an interim order was passed on 20.07.2011 and later this Court, by order in WVMP No.3307 of 2011 dated 30.09.2011, directed the petitioner to comply with condition Nos.2 and 3 in G.O.Ms. No.183 dated 27.02.2008, within a period of one month. Sri Ghanta Ramarao, Learned Senior Counsel, appearing on behalf of the petitioner, would submit that the aforesaid order of this Court has been complied with.

In the counter affidavit filed by Commissioner, Nellore Municipal Corporation, it is stated that the Corporation did not interfere with the proposed erection of the tower; and an endorsement was issued to the complainants, i.e., respondents 2 to 5, informing them that erection of the cell tower was permitted by the respondent Corporation.

As the Corporation itself admits that it is not interfering with the cell tower erected by the petitioner, suffice it, while disposing of the Writ Petition, to make it clear that the respondents shall not take any coercive steps against the petitioner, for removal of the subject cell tower, except after putting them on notice, and after giving them an opportunity of being heard.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 29.03.2018

MRKR

