

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION NO. 29087 OF 2018

ORDER :

This Writ Petition is filed invoking the inherent jurisdiction of this Court under Article 226 of the Constitution of India seeking mandamus to declare the Resolution No. 67/2017 dated 29/7/2017 of the second respondent as arbitrary, unconstitutional and the action of the first respondent in issuing notice bearing ROC.No. G-1/810/2018, dated 06/6/2018 refusing to grant permission on the ground which is not mentioned under section 215 of the A.P. Municipalities Act, 1965 as arbitrary, illegal and without jurisdiction and consequently to direct the respondent to grant permission for erection of ground based tower on plot No.10 in survey Nos. 163 and 164 of Jangaon town, situated at Hyderabad Road, Jangaon Mandal and district, Telangana State and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioner and Sri N. Praveen Kumar, learned standing counsel for the respondents.

3. It is the submission of the counsel for the petitioner that Notice bearing ROC.No.G-1/810/2018k, dated 06/06/2018, rejecting the application of the petitioner herein for according

permission for establishment of Telecommunication infrastructure Tower [T I T] at Hyderabad Road, Jangaon, is totally without jurisdiction.

4. It is further submitted by the learned counsel for the petitioner that the Respondent-Municipality has to act strictly in accordance with the provisions of section 215 of the Telangana State Municipalities Act, 1965 and that the impugned notice does not attract any one of the contingencies as mentioned under section 215 of the Municipalities Act, 1965. Except mentioning that Council resolved unanimously not to grant permission, aforesaid impugned notice does not indicate any one of the short-falls as indicated under section 215 of the Act.

5. In view of the same, the writ petition is allowed and the impugned notice bearing ROC.No.G-1/810/2018, dated 06/6/2018 issued by the first respondent herein, be and is hereby set aside, with a further direction to the respondent-municipality to re-consider the application of the petitioner herein strictly in accordance with law. No costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V. SETHA SAI

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