

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.13334 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for the 1st respondent Corporation.

The prayer in the writ petition is as under:

“... Hon'ble Court may be pleased to issue an appropriate writ or order or direction particularly one in the nature of writ of Mandamus declaring the action of the 4th respondent in disconnecting the power supply by removing the fuses and sealed the meter boxes of the poles by putting a lock to the poles of the petitioner company erected on the terrace of the building bearing H.No.7-1-621/108 (45/3RT), Sanjeeva Reddy Nagar, Hyderabad, without issuing any notice whatsoever to the petitioner company, as arbitrary, illegal, without jurisdiction, in utter violation of well settled principles of natural justice and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955.”

On 21.04.2016, after hearing the parties, this Court was pleased to pass the following order in WPMP.No.16673 of 2016:

“As the material placed on record reflects that the Municipal Authorities are resorting to coercive measures only in relation to arrears of property tax, they would have no power to either disconnect power supply or affix locks on the property to enforce the payment of such arrears.

There shall accordingly be a direction to the fourth respondent to forthwith remove the seals and locks and restore power supply. This order shall however not preclude the municipal authorities from taking recourse to the due procedure laid down in the Greater Hyderabad Municipal Corporation Act, 1955 for realizing the arrears of property tax.”

Pursuant to the above said orders, the learned counsel for the petitioner would submit that the 1st respondent Corporation has removed the locks of the premises and restored the power supply.

However, the learned standing counsel for the 1st respondent Corporation, on instructions, submit that if the Corporation intends to take any action in future, a notice will be issued to the petitioner calling for an explanation and after following the due process of law appropriate orders will be passed.

Taking into consideration the submission made by the learned standing counsel, the writ petition is disposed of directing the 1st respondent Corporation to follow the due process of law while taking any action in respect of the cell tower erected by the petitioner - M/s. Indus Towers Limited on the terrace of the building bearing H.No.7-1-621/108 (45/3RT), Sanjeeva Reddy Nagar, Hyderabad. No order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

P. KESHAVA RAO, J

Date: 27.04.2018.
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