

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.36515 OF 2018

Dated:22.10.2018

Between:

ATC Telecom Infrastructure Private Limited,
(formerly known as VIOM NETWORKS
LIMITED) having its registered office at
404, 4th Floor, Skyline Icon, Andheri
Kurla Road, Andheri East, Mumbai City,
Maharashtra, India and its Corporate Head
Office at Plot No.14A, Sector – 18, Maruthi
Industrial Complex, Gurgaon having Circle
Office at D.No.1-8-304-307/381/444, 4th Floor,
Gowra Plaza, S.P. Road, Begumpet,
Secunderabad, rep., by its Manager – Legal
Sri A.R. Subba Rao

.. Petitioner

And

The State of Telangana, Panchayat Raj and
Rural Development, rep., by its Principal
Secretary, Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.36515 OF 2018****ORDER:**

Heard.

2. Petitioner is ATC Telecom Infrastructure Private Limited. It was granted permission to erect Telecom Cellular Tower in Sudimalla Village, Yellandu Mandal, Badradri Kothagudem District. By order signed on 17.09.2018, petitioner was informed by the Panchayat Secretary that in view of the objections raised by the villagers, the earlier No Objection Certificate (NOC) is cancelled. According to learned counsel for petitioner, no prior notice was issued to the petitioner before cancelling the NOC granted earlier.

3. Learned Standing Counsel for Sudimalla Gram Panchayat fairly submits that a reading of the order impugned would show that no prior notice was issued to the petitioner before cancelling NOC.

4. Having regard to the said submission and on a plain reading of the order impugned, it is apparent that no prior notice was issued to the petitioner before cancelling NOC. In view of the same, the Gram Panchayat is directed to treat the order/proceedings dated 17.09.2018 as notice. Petitioner shall submit its explanation to the said notice within one week from the date of receipt of a copy of the order. On receipt of the explanation, the Panchayat Secretary shall consider the same having regard to the provisions in G.O.Ms.No.334, dated 09.10.2012 and pass appropriate orders by assigning due reasons in support of its decision within two weeks thereafter.

5. The Writ Petition is accordingly disposed of. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:22.10.2018

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