

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21019 of 2019

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit the petitioner prays this Hon’ble Court may be pleased to issue an appropriate Writ or any other order or direction particularly one in the nature of **Writ of Mandamus** declaring the notice in Lr. No.19/TPS/NMC/2019 dated 17.08.2019 keeping the permission Procd.No.07/TPS/PER/CT/C/NZ/2019-20, dated 11.07.2019, in abeyance, in respect of telecommunication infrastructure tower erected on building being Plot No.386, Sy.No.131, Reddy’s Avenue, Nizampet village, Bachpally Mandal, New Medchal-Malkajgiri District, Ranga Reddy District, Telangana, as arbitrary, illegal, contrary to Section 450 of the Greater Hyderabad Municipal Corporation Act, 1955 and in violation of well settled principles of natural justice.”

When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue in the present Writ Petition is squarely covered by the order dated 24.02.2016 passed by this Court in Writ Petition No. 5894 of 2016.

Learned Standing Counsel for Nizampet Municipal Corporation appearing for the second respondent does not dispute the aforesaid submission.

Relevant portion of the aforesaid order reads as under:

“In the opinion of this Court, whatever may be the reason for which the respondents proposed to revoke the permission for erection of cell tower, principles of natural justice require that before revoking the permission, the petitioner which will be seriously affected by such revocation is entitled to an opportunity of being heard. As the respondents failed to follow this procedure, the impugned proceedings are set aside. However, the respondents are permitted to issue a notice to the petitioner calling for objections to the proposed revocation. Within one week of receipt of such notice, the petitioner shall file its objections. Upon consideration of such objections, if any filed, the respondents shall pass a fresh order.

The writ petition is accordingly allowed to the extent indicated above.”

In those circumstances, following the above said order and for the reasons recorded therein, this Writ Petition is also allowed in terms thereof.

Office to annex a copy of the order dated 24.02.2016 passed by this Court in Writ Petition No. 5894 of 2016 to this order.

Miscellaneous Petitions, if any pending, shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

25th SEPTEMBER, 2019.

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