

HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 4151 OF 2017

Between:

Basti Committee Bholakpur,, Hyderabad (Regd.No. 1759) Represented by its
Presidnet C.Chandra Prakash Yadav S/o Late C.Komaraiah Yadav, aged about
64 years, Occ; Business R/o 1-4-308/2/A/6, Siddiqui Nagar, Bholakpur,
Hyderabad.500 080

...PETITIONER

AND

1. The State of Telangana,, Rep.by its Principal Secretary, Municipal Administration
and Urban Development Department, T.S. Secretariat Buildings, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep.by its Commissioner, Tank
Bund Road, Hyderabad.
3. Mr.Y.Vijay Kumar, S/o Late Y.Satyanarayana,Aged about 53 years, H.No. 1-4-
62, Near Gangaputra Sangam, Bholakpur, Hyderabad. 500 080
4. The Indus Tower Limited,, SLN Towers 8th Floor, Gachibowli, Hyderabad,
Rep.by its Managing Director.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the affidavit filed therewith, the High Court may be pleased
to issue an appropriate writ, order or direction more particularly one in the nature of
WRIT OF MANDAMUS declaring the action of the 2nd respondent not preventing
the 3rd and 4th respondents for installation of Mobile Phone Tower on the house of
the 3rd respondent is illegal, arbitrary, unconstitutional and violation of Principles of
Natural Justice and violation of Fundamental Rights Guaranteed Under the
Constitution of India and consequently direct the 2nd respondent to Prevent the
installation and erection of Mobile Phone Tower of the 4th respondent on the House
of the 3rd respondent bearing H.No. 1-4-62, Near Gangaputra Sangham, Bholakpur
Hyderabad.

WPMP. NO: 4982 OF 2017

Petition under Section 151 CPC praying that in the circumstances stated in
the affidavit filed in support of the petition, the High Court may be pleased to direct
the respondent No.2 to prevent the installation and erection of Mobile Phone Tower
of the 4th respondent on the House of the 3rd respondent bearing H.No.1-4-62,
Near Gangaputra Sangham, Bholakpur Hyderabad pending disposal of the Writ
petition.

Counsel for the Petitioner: SRI MOHAMMED RAFIUDDIN KALEEM (Not Present)

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2: SRI PASHAM KRISHNA REDDY, SC for GHMC

Counsel for the Respondent No.4: SRI MOHD. ISLAMUDDIN ANSARI

Counsel for the Respondent No.3: None Appeared

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.4151 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

"... to issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 2nd respondent not preventing the 3rd and 4th respondent for installation of Mobile Phone Tower on the house of the 3rd respondent is illegal, arbitrary, unconstitutional and violation of Principles of Natural Justice and violation of Fundamental Rights Guaranteed Under the Constitution of India and consequently direct the 2nd respondent to Prevent the installation and erection of Mobile Phone Tower of the 4th respondent on the house of the 3rd respondent bearing H No.1-4-62, Near Gangaputra Sangham, Bholakpur, Hyderabad and to pass such other order or orders ..."

2. Heard the learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1, learned Standing Counsel for GHMC appearing for respondent No.2, learned counsel appearing for respondent No.4 and perused the record.
3. No representation for the petitioner.
4. Though notice is served on respondent No.3, there is no representation on his behalf.
5. The present Writ Petition is filed seeking to prevent the installation and erection of mobile phone tower of the respondent No.4 on the house of the respondent No.3.
6. Learned counsel for respondent No.4 would submit that the proposal to install mobile phone tower on the subject property is

abandoned and the mobile phone tower is not installed and not existing on the subject property.

7. The said submissions of the learned counsel for respondent No.4 are taken on record.

8. Since installation of the mobile phone tower on the subject property is abandoned, no orders are required to be passed in this Writ Petition.

9. With the above observation, the Writ Petition is closed.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Two CCs to the GP for Municipal Admn. & Urban Dev., High Court for the State of Telangana [OUT]
2. One CC to SRI MOHAMMED RAFI UDDIN KALEEM, Advocate [OPUC]
3. One CC to SRI PASHAM KRISHNA REDDY, SC for GHMC [OPUC]
4. One CC to SRI MOHD. ISLAMUDDIN ANSARI, Advocate [OPUC]
5. Two C.D. Copies.
6. One Spare Copy.

MRC

SB

HIGH COURT

DATED:30/12/2021

ORDER

WP.No.4151 of 2017



**CLOSING THE WRIT PETITION
WITHOUT COSTS.**

17/02
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