

THE HON'BLE DR. JUSTICE K. MANMADHA RAO

WRIT PETITION No.9786 OF 2023

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“.....to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus declaring the action of the 2nd respondent in issuing impugned order in Roc.No. 21/1031/NLR/TT/2022, dated 04.03.2023, cancelling the Permission without any prior notice, without conferring the opportunity of being heard to the petitioner company and also in utter violation of Section 344(5)(6) of The Andhra Pradesh Municipalities Act, 1965, as arbitrary, illegal, without jurisdiction, contrary to the Act, contrary to the Principles of natural justice and pass such other orders....”

2. Heard Mr. T.S.Murthy, learned counsel for the petitioner and Mr. Suresh Kumar Reddy Kalava, learned Standing Counsel for 2nd respondent.

3. During hearing learned counsel for the petitioner would contend that the petitioner was granted permission to erect the Roof Top Poles by ATC Telecom Infrastructure Private Limited on premises bearing Sy.No. 334/2334/1, Dr.No.28/3/1188 at Zakir Hussain Nagar, Nellore, Bit-II Village, by Lease Deed, dated 22.11.2022. Basing on the complaint of the local residents, the

permission has been revoked by the 2nd respondent and issued impugned proceedings, is highly illegal and arbitrary. Hence the present writ petition came to be filed.

4. It is further contended that this Court has already stayed the operation of the impugned order by its order dated 19.04.2023 and further held that it is left open to the 2nd respondent to pass fresh order in accordance with law, with due opportunity of hearing to the petitioner and the complainant. But the 2nd respondent did not comply with the same.

5. Though the petitioner made several allegations against the respondents, during the course of hearing learned Standing Counsel for the 2nd respondent submitted that in view of the interim order of this Court dated 19.04.2023, the 2nd respondent is taking steps to pass fresh orders in accordance with law and seeks some time for compliance. Learned counsel for the petitioner submitted that the interim order of this Court shall become final order and sufficient, therefore requested to pass order in this Writ Petition, without touching the merits of the case, though counter affidavit has been filed by the 2nd respondent.

6. In view of the submission of learned Standing Counsel for the 2nd respondent, I need not decide the truth or otherwise of the allegations made in the petition.

7. In the result, Writ Petition is disposed of, directing the 2nd respondent to pass appropriate reasoned order afresh, in accordance with law, as per interim order of this Court dated 19.04.2023, within six (06) weeks from the date of receipt of a copy of this order, after affording ample opportunity for hearing of the petitioner and complainant. No costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

DR.K. MANMADHA RAO, J

Date: 21.07.2023

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