

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH:  
HYDERABAD  
(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF NOVEMBER  
:TWO THOUSAND AND SEVEN

:PRESENT:

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE  
AND  
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 23228 of 2007

Between:

P. Varalaxmi W/o. P. Ravinder Reddy,

..... Petitioner

AND

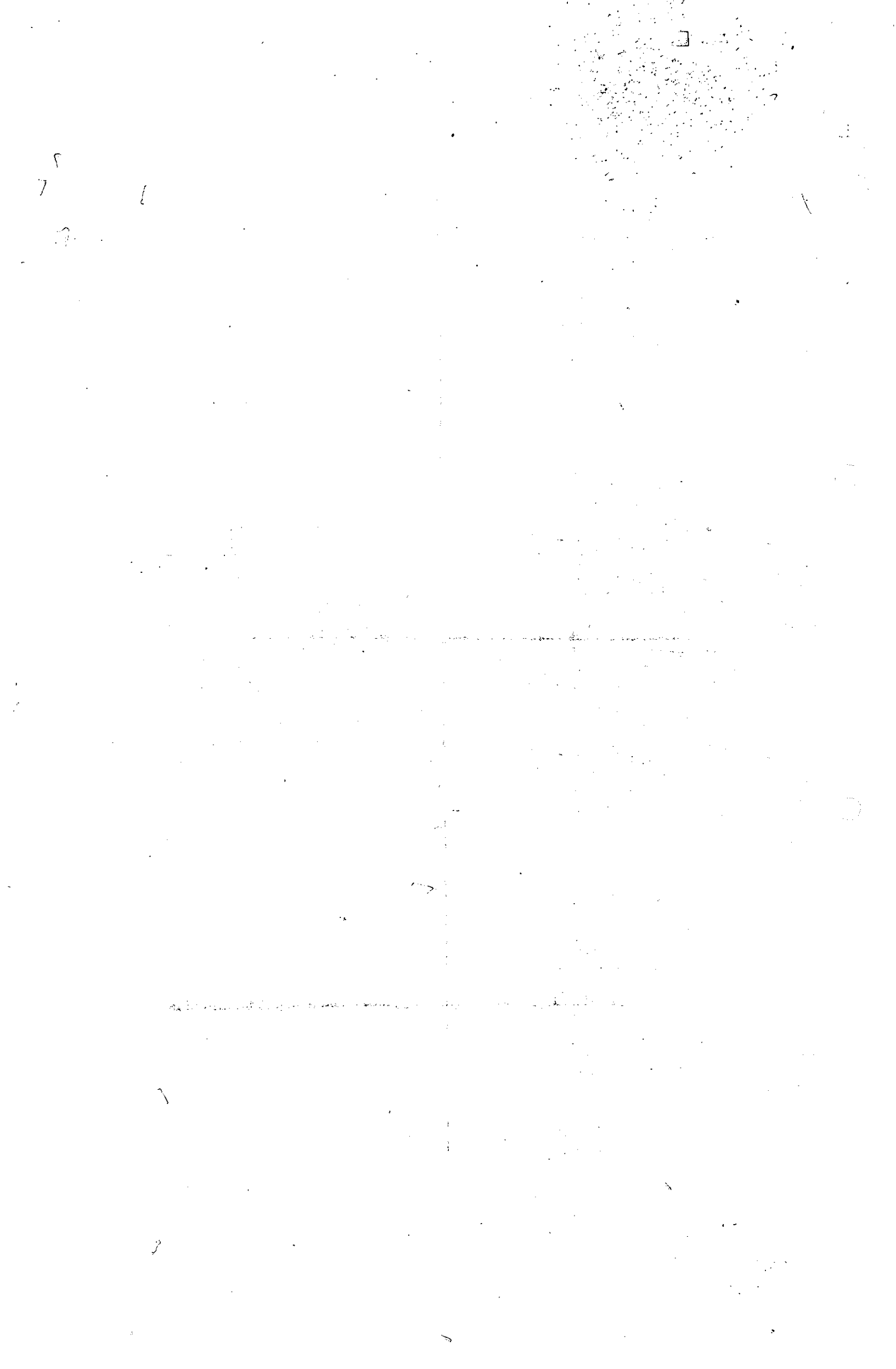
1. The Special Officer & Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
2. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Kapra Municipality , Ranga Reddy District.
3. M/s. Modi Properties & Investments Pvt., Ltd., Rep. by its Managing Partner, 5-4-187/3,4, III rd Floor, M.G. Road, Secunderabad-500 003.
4. M/s. Reliance Communications Ltd., Rep . by its Manager, Lake Shore Towers, 6-3-1090/B/1, Raj Bhavan Road, Somajiguda, Hyderabad.
5. M/s J.T. Mobile Ltd. (Presently Airtel), rep. by Manager, Splendid Tower, Huda Road, Begumpet, Hyderabad-16
6. M/s Tata Communications Limited (Presently Idea), rep. by Manager, Khan Lateef Khan Bldg., Fathe Maidhan Road, Hyderabad-1
7. M/s Tala Teleservices and Cellular Limited, (Presently Tata Indicom), rep. by Manager, Khan Lateef Khan Bldg., Fathe Maidhan Road, Hyderabad-1
8. M/s Bharathi Mobile Limited, (Presently Airtel), rep. by Manager, Splendid Tower, Huda Road, Begumpet, Hyderabad-16
9. M/s Barakamba Sales and Service Limited, (Presently Vodafone), Nandavaram Complex, V.R. Nagar, S.R. Nagar X Road, Hyderabad-38
10. State of Andhra Pradesh, rep. by Principal Secretary to Govt., Municipal Administration Department, Secretariat, Hyderabad.

(Respondent No. 5 to 10 are impleaded Suo-Motto as per Court order dt: 16-11-2007 in WP. No. 23228/2007)

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly a mandamus declaring the inaction, delay and negligence of the respondents 1 & 2 in taking the follow up action upon notice No. G2/884/07 dt. 20-9-07 under HMC Act 1955 as arbitrary, collusive, illegal, in violation of fundamental/human rights and principles of natural justice; and the non removal of said tower by respondents 3 & 4 as illegal, and consequently direct them to remove the illegally erected M/s. Reliance Communication's tower from the terrace of 5th floor, I-Block , May Flower Park, Mallapur, GHMC Kapra Circle, as per the said notice.

The petition coming on for hearing upon perusing the petition and the affidavit filed herein, upon perusing the order of the High Court dated 16.11.2007 made herein and upon hearing the arguments of Sri Mohammed Zafarullah, Advocate for the Petitioner and of Sri Polisetty Radhakrishna, Standing Counsel for GHMC for the Respondents 1 and 2, and of Sri V.Venkata Ramana, Advocate for the Respondent No.3, Sri S. Niranjana Reddy, Advocate for the Respondent No.8 and of the G.P. for Municipal Administration, for the Respondent No. 10, the Court made the following;



**ORDER:**

"Commissioner and the Deputy Commissioner are present and the Commissioner assures this Court that he will file an affidavit by next Monday taking a stand whether the building in question was safe for the inhabitants to live therein or not.

Sri S. Niranjan Reddy, learned Counsel appearing for the Eight respondent submits that J.T Mobiles Limited and Bharathi Mobiles Limited need not be served because Bharathi Air Tel is the successor to both the companies. M/s. Bharakamba Sales & Services limited and Tata Communications Limited have not been served so far. The learned Standing Counsel for MCH, through MCH is directed to serve notices on these companies or their successors if any before the next date of hearing. This notice shall also be served on the Secretary to Government, Municipal Administration Department immediately. The Government shall also file counter by next date. The Commissioner and the Deputy Commissioner need not appear in person.

List on 26.11.2007."

// TRUE COPY //

SD/-V. RAMAKRISHNA  
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. The Special Officer & Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad. (BY SPL. MESSENGER)
2. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Kapra Municipality, Ranga Reddy District. (BY SPL. MESSENGER)
3. The Managing Partner, M/s. Modi Properties & Investments Pvt., Ltd., 5-4-187/3,4, III rd Floor, M.G. Road, Secunderabad-500 003.
4. The Manager, M/s. Reliance Communications Ltd., Lake Shore Towers, 6-3-1090/B/1, Raj Bhavan Road, Somajiguda, Hyderabad.
5. The Manager, M/s J.T. Mobile Ltd. (Presently Airtel), Splendid Tower, Huda Road, Begumpet, Hyderabad-16
6. The Manager, M/s Tata Communications Limited (Presently Idea), Khan Lateef Khan Bldg., Fathe Maidhan Road, Hyderabad-1
7. The Manager, M/s Tala Teleservices and Cellular Limited, (Presently Tata Indicom), Khan Lateef Khan Bldg., Fathe Maidhan Road, Hyderabad-1
8. The Manager, M/s Bharathi Mobile Limited, (Presently Airtel), Splendid Tower, Huda Road, Begumpet, Hyderabad-16
9. M/s Barakamba Sales and Service Limited, (Presently Vodafone), Nandavaram Complex, V.R. Nagar, S.R. Nagar X Road, Hyderabad-38. (SL.NOS.7 TO 9 BY RPAD)
10. The Principal Secretary, State of Andhra Pradesh, Municipal Administration Department, Secretariat, Hyderabad.
11. One CC to Polisetty Radhakrishan, Standing Counsel for GHMC, High Court Bldgs., Hyderabad.(OPUC)
12. One CC to Sri S. Niranjan Reddy, Advocate, High Court of A.P., Hyderabad.(OPUC)
12. One CC to Sri Mohammed Zafarullah, Advocate, (OPUC)
13. Two CCs to G.P. for Municipal Administration, High Court of A.P., Hyderabad (OUT)
14. Two Spare Copies

H.A.

**HIGH COURT**

**HACJ  
&  
RRJ**

**DATE: 19-11-2007**

**NOTE: LIST ON 26-11-2007**

**ORDER**

**WP. NO. 23228 OF 2007**

**DIRECTION**