

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

FRIDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO: 19115 OF 2011

Between:

Bharat Sanchar Nigam Limited, Rep. by its Chief General Manager, AP Circle,
Door Sanchar Bhavan, Nampally, Hyderabad.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep by the principal Secretary, Municipal Administration and Urban Development (M) Dept. A.P. Secretariat. Hyderabad
2. The Municipal Council, Korutla, represented by its Commissioner, Korutla, Karimnagar District.

...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 a Writ in the nature of Writ of Mandamus or any other appropriate writ, order or direction declaring that the demand of a fee of Rs. 25,000/- and Rs.5,000/-per each Ground Based Tower and Roof Top Tower for granting permission by the 2nd respondent i.e., Korutla Municipality as illegal and void and direct them to grant permission to the Cellular Towers already erected and new towers to be erected by the petitioner without insisting upon the payment of the fee of Rs. 25,000/- and Rs.5,000/- per each Ground Based Tower and roof top tower.

I.A. NO: 1 OF 2011(WPMP. NO: 23078 OF 2011)

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 2nd respondent to consider the application submitted by the petitioner for granting permission for the Cellular Towers without insisting upon the payment of a fee of Rs.25,000/- and Rs.5,000/- per Ground Based Tower and Roof Top Tower pending disposal of the above writ petition.

I.A. NO: 2 OF 2011(WPMP. NO: 23079 OF 2011)

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 2nd respondent not to take any coercive action for non-payment of a fee of Rs.25,000/- and Rs.5,000/- per Ground Based Tower and Roof Top Tower pending disposal of the above Writ Petition.

Counsel for the Petitioner: M/s. P.SARADA, SC FOR BSNL

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

Counsel for the Respondent No.2: SRI N.PRAVEEN KUMAR, SC FOR MCPL

The Court made the following: ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J. SREENIVAS RAO**

WRIT PETITION No.19115 of 2011

ORDER: (per the Hon'ble the Chief Justice Alok Aradhe)

Ms. P. Sarada, learned Standing Counsel for Bharat Sanchar Nigam Limited appears for the petitioner.

2. In the Writ Petition, the petitioner has prayed for the following relief:

“.....issue a Writ in the nature of a writ of mandamus or any other appropriate writ direction or order declaring that the demand of a fee of Rs.25,000/- and Rs.5,000/- per each Ground Based Tower and Roof Top Tower for granting permission by the 2nd respondent i.e., Korutla Municipality as illegal and void and direct them to grant permission to the Cellular Towers already erected and new towers to be erected by petitioner without insisting upon the payment of the fee of Rs.25,000/- and Rs.5,000/- per each Ground Based Tower and Roof Top Tower.”

3. A learned Single Judge of erstwhile High Court of Andhra Pradesh by an interim order dated 08.07.2011 had directed the parties to maintain *status quo* with regard to the Cellular Towers erected by the petitioner.

4. Similar Writ Petitions namely, Writ Petition Nos.4871, 4873, 5545, 6196, 6209 and 7062 of 2013, have been disposed of by a learned Single Judge of this Court in view of issuance of subsequent G.O.Ms.No.380, Municipal Administration and Urban Development, dated 01.08.2013.
5. For the reasons assigned in the aforesaid common order, nothing survives for adjudication in the Writ Petition. However, liberty is reserved to the official respondents to take action against the petitioner, if so advised, strictly in accordance with law.
6. With the aforesaid liberty, the Writ Petition is disposed of.
- Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- K. VENKAIAH
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development (M) Dept, Secretariat, Hyderabad.
2. The Commissioner, Municipal Council, Korutla, Korutla, Karimnagar District.
3. One CC to M/s. P.SARADA, SC FOR BSNL [OPUC]
4. One CC to SRI N.PRAVEEN KUMAR, SC FOR MCPL [OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMN AND URBAN DEV, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

BSR-
GJP

HIGH COURT

DATED: 23/08/2024

ORDER

WP.No.19115 of 2011



DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

① CHP
27/9/24