

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**MONDAY, THE TWENTY EIGHT DAY OF SEPTEMBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.34013 of 2014

Between:

Mubashir Ali Khan, S/o. Kazim Ali Khan,
Aged about 32 years, Occ: Software Engineer,
R/o.H.No.11-6-679/680,
Redhills, Hyderabad.

.. Petitioner

AND

The Government of Telangana,
Rep. by its Principle Secretary,
Municipal Administration &
Urban Development Department,
Secretariat, Hyderabad & 5 others

.. Respondents

The Court made the following:

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ORDER:

The petitioner challenges the installation of Telecommunication Infrastructure Tower (for short, 'TIT') in the premises of the 6th respondent by the 5th respondent. The primary ground of challenge is that the installation of TIT is against the interest of the residents of the locality and in spite of their objection, steps are being taken to install the TIT. The petitioner along with the residents have also filed a complaint on 13.03.2014. But, so far, no decision is taken on the complaint filed by them. On account of such installation, radiation emanating from the TIT would cause severe health related problems to the people residing in and around the area.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development Department for the 1st respondent and Sri N. Ashok Kumar, learned Standing Counsel for the Greater Hyderabad

Municipal Corporation for respondents 2 to 4 and Sri P. Hema Chandra, learned Standing Counsel for the 5th respondent.

3. Reliance is placed on the provisions of G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, in support of the prayer sought in the writ petition.

4. As stated by the learned Standing Counsel for respondents 2 to 4 and the learned Standing Counsel representing the 5th respondent, after the verification of the documents, permission was granted by the respondent Municipal Corporation on 11.08.2014 and the TIT is already installed. Therefore, both the learned Standing Counsel submit that in case the petitioner has any grievance regarding emission of radiation from the TIT, he has a remedy by way of complaining to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India, as provided in G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, which G.O. is issued in supersession of the orders in G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013.

5. Having regard to the fact that G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, is no more in force and the only grievance in the writ petition being emission of radiation from the TIT, in accordance with Para No.6 of G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, if the petitioner and residents of the locality object for installation of TIT or continuation of TIT on the ground of emission of radiation, they should file a complaint before the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India. Thus, the Writ Petition is disposed of by granting liberty to the petitioner to avail such remedy, if he is aggrieved by emission of any radiation from the TIT installed by the 5th respondent in the premises of the 6th respondent. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th September, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.34013 of 2014

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Date: 28th September, 2015

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