

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

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.18602 of 2014

DATE: 31.8.2015

Between:

Bagadi Jayalaxmi W/o Narayanappadu

R/o Kothavalasa village,

Thogaram post, Amadalavalasa mandal, Krishna district

.. Petitioner

AND

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Panchayat Raj Department,

Secretariat, Hyderabad & others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18602 of 2014

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ORDER:

The petitioner is resident of Kothavalasa village, Amadalavalasa mandal, Srikakulam district. Petitioner challenges the erection of Telecommunications Infrastructure Tower (for short, 'TIT') in the land owned by Bharath Sanchar Nigam Limited/respondents 2 and 3 to an extent of 715 sq yards in Survey No. 28/4, on the ground that due to such erection of TIT health of the petitioner is adversely affecting and he is suffering from cancer. It is further contended that the TIT may emit radiation, which would cause health hazard. Reliance is placed in support of the said contentions on the orders in G.O.Ms.No.380, dated 01.08.2013, amended by G.O.Ms.No.5, Municipal Administration & Urban Development (M1) Department, dated 27.09.2014.

2. Learned counsel appearing for respondents 2 and 3 submits that respondents 2 and 3 have obtained due permission for erection of the TIT and, therefore, its erection is not illegal. He submits that there is no requirement to obtain the consent of the residents. Learned counsel further submits that the G.O.Ms.No.380, dated 01.08.2013, is now superseded by orders issued in G.O.Ms.No.96, Municipal Administration & Urban Development, dated 05.08.2015, and

there is no such requirement prescribed in the said G.O.

3. As seen from the orders issued in G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, there is no requirement of obtaining consent from the people in the locality where a TIT is sought to be erected. The various requirements imposed in the G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, are only required to be complied, but not the consent of the local people. With reference to the emission of radiation from the TIT, the G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, enables the aggrieved persons to appeal to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India and the said authority is competent to look into the grievance and only in such a case, if the authority finds that the TIT is emitting radiation, appropriate action shall be taken.

4. Thus, leaving it open to the petitioner to avail the remedy provided by G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, to complain to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date:31.8.2015
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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