

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

WRIT PETITION NO. 25856 of 2015

Between :

Aqueel Ahamad S/o Khaleel Ahmed
R/o H No. 4-6-110, Nizampura street
Korutla- 505 326
Karimnagar

.... Petitioner

And

State of Telangana,
Municipal Admn and Urban Devp Dept
Secretariat, Hyderabad
Rep by its Principal Secretary and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED : 14.8.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : / No
Be allowed to see the Judgments ? :

2. Whether the copies of judgment may be marked : / No
To Law Reporters/Journals :

3. Whether Their Lordship wish to see the fair : / No
Copy of the Judgment ? :

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 25856 of 2015

ORAL ORDER:

Petitioner claims to be resident of Korutla town, Karimnagar district, instituted this writ petition alleging that illegal permission was granted for installation of telephone infrastructure tower in Nizampura street, Korutla town contrary to the provisions contained in G O Ms No. 380 dated 1.8.2013 which is likely to cause health hazards due to emission of radiation and that within 100 meters there are schools and temple located.

2. It is seen that G O Ms No. 380 dated 1.8.2013 is replaced by G O Ms No. 96 dated 5.8.2015 which has removed most of the requirements as originally imposed. There is no restriction imposed on the location of the school or temple or a masjid within 100 meters. With reference to radiation effect by telecommunication infrastructure tower, G.O.Ms No. 96 envisages redressal mechanism by way of complaint by any person alleging such radiation to department of Telecommunication to any person.

3. In the affidavit filed in support of the writ petition, for the first time petitioner contends that lane or by-lanes where tower is to be established should not be less than 5 meters and according to petitioner the area in Nizampura street is less than 5 meters. As seen from the material papers enclosed, in several complaints filed by petitioner, no such grievance was made and for the first time in the writ petition such a grievance is raised. In the sanction proceedings dated 16.6.2015, this condition is already incorporated. Therefore, while disposing of the writ petition, liberty is granted to the petitioner to file a representation before the third respondent- Commissioner, Korutla municipality bringing to his notice all material facts in support of his contention that Nizampura street where the cell tower is proposed to be located is having less than 5 meters lanes and therefore the person who is seeking to erect the cell tower has violated the conditions of

permission granted to him as well as orders of the Government in G.O. Ms No. 96 dated 5.8.2015. As and when such a complaint is made, third respondent shall consider and pass appropriate orders as warranted by law within a period of three weeks from the date of receipt of copy of this order. It is needless to observe that the affected persons should be put on notice and reasonable opportunity be provided to them before taking any adverse decision against them.

Accordingly, the writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 14.8.2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

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