

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 11004 of 2015

Date : 7-9-2015

Between :

Karri Narsi Reddy S/o Sattireddy
R/o 9-107-3/2, Ramalayam Street,
Venkatarayapuram, Tanuku, E G District

Petitioner

And

The State of Andhra Pradesh
Rep by its Prl Secretary, M A and U D
Secretariat, Hyderabad and others

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 11004 of 2015

ORAL ORDER:

The petitioners are residents of Ramalayam street, Tanuku, West Godavari district. They challenge erection of Telecommunications Infrastructure Tower (for short, 'TIT') in the building owned by the 5th respondent, by 4th respondent on the ground that the building on which TIT is proposed to be installed has no proper foundation and installation of TIT on the roof will endanger the building and result in causing damage to neighbouring buildings. It is also 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. Petitioners along with others stated to have submitted representation dated 27.2.2015 to respondents 2 and 3.

2. Learned counsel appearing for the 3rd respondent submits that the third respondent has 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 Learned counsel further submits that the G.O.Ms.No.380, dated 01.08.2013, is now superseded by orders issued in G.O.Ms.No.96, Municipal Administration & Urban Development, dated 05.08.2015, and there is no such requirement prescribed in the said G.O.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. Though several contentions were raised, when the matter is taken up, learned counsel for petitioners submitted that this Court by order dated 21.4.2015 granted interim direction to 4th respondent not to proceed further in erecting TIT and since representation of the petitioner is pending consideration, writ petition may be disposed of directing respondents 2 and 3 to dispose of representation of petitioners dated 27.2.2015 expeditiously. Learned counsel appearing for respondents 2 and 3 agreed for the same.

4. In the circumstances, without expressing any opinion on

the merits of the matter, writ petition is disposed of directing respondents 2 and 3 to consider the representation of the petitioner dated 27.2.2015 and after giving reasonable opportunity to 4th respondent pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of copy of this order. Till such time, interim direction granted on 21.4.2015 shall continue. No costs. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:7-9-2015
TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

-
-
-
-
-
-

-
-
-
-
-
-
-
-
-
-
-
-
-

WRIT PETITION No. 11004 of 2015

Date : 7-9-2015

tvk