

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

WRIT PETITION NO.5800 of 2015

Between:

Raghunatha Raju, s/o. P.V.Rama Raju, Aged about 47 years,
R/o. Plot Nol.68, D.No.60-27-88, Visakha Industrial Colony
Residents Welfare Association, Malkapuram, Visakhapatnam
and another.

.. Petitioners

AND

The State of Andhra Pradesh, rep.by its Principal Secretary,
Municipal Administration and Urban Development Department,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 27.07.2015

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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 : Yes / No
be allowed to see the Judgments ? :

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

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

**HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.5800 of 2015**

ORDER:

Petitioners claim to be residents of Door No.60-27-88, Visakha Industrial Colony, Malkapuram, Visakhapatnam. Petitioners grievance is against erection of telecommunication tower in Plot No.65 of the same colony, wherein provisional permission was obtained on 11.08.2014. Petitioner challenge erection of cell tower in the locality on the ground that radiation discharged from the telecommunication tower affects the health of the people in the locality and that there is a school in the distance of less than 100 meters of the proposed cell tower, which adversely affects the health of the students. Reliance is placed in support of the said contention on the orders issued by the Government in G.O.Ms.No.380 Municipal Administration and Urban Development Department, dated 01.08.2013.

2. Learned Government Pleader brought to the notice of this Court, that in supersession of the orders in G.O.Ms.No.380 dated 01.08.2013, the Government notified revised policy in G.O.Ms.No.146, Municipal Administration & Urban Development (M2) Department dated 19.06.2015 and the said G.O., prevails with reference to grant of cell tower in urban areas.

3. According to learned Government Pleader if a person is aggrieved of apprehended radiation, he must go in appeal to the Telecom Enforcement Resources and Maintenance Cell (TERM Cell) Department of Telecommunications, Government of India. Furthermore, availability of a private school within the vicinity is not a bar for granting of permission of cell tower.

4. As seen from the orders in G.O.Ms.No.146 dated 19.06.2015, earlier restrictions in granting of permission to cell tower is substantially reduced. There is no mention that location of school is a bar for erection of cell tower in the said G.O. The said orders are not under challenge. Furthermore, according to Para No.5 of the said G.O., if a person is aggrieved by any radiation emanating from cell tower, he must go in appeal to the TERM Cell, Department of Telecommunications, alleging radiation.

5. Having regard to the same, the Writ Petition is not maintainable and accordingly dismissed. However, it is open to the petitioners to appeal to the TERM Cell, Department of Telecommunications, Government of India, alleging violation of radiation norms. There shall be no order as to costs.

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

Date: 27.07.2015
Kkm

JUSTICE P.NAVEEN RAO

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 27.07.2015

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