

**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.1304 of 2015

Between:

B. Vishnu, S/o.Edukondalu,
Hindu, Aged about 35 years, Occ: Private Job,
R/o. 4-33-101, Sanjaiahgandhinagar,
Qutbullapur, R.R. Dist.

.. Petitioner

AND

The Principal Secretary,
Municipal Administration &
Urban Development (M) Department,
Government of Telangana,
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') by the 3rd respondent in the premises of the 5th respondent on the ground that appropriate clearances as required and permission from the Gram Panchayat were not obtained for such installation. It is also causing health hazard to the people living in the surrounding areas and without obtaining the consent, such tower is proposed for installation.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development Department for the 1st respondent, Sri D. Bhaskar Reddy, learned Standing Counsel for the 2nd respondent, Sri P. Hema Chandra, learned Standing Counsel for the 3rd respondent and Sri O. Manohar Reddy, learned Standing Counsel for the 4th respondent.

3. Learned counsel for the petitioner placed reliance on G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, in support of his contentions. However, the said G.O. is no more in force. It is superseded by the orders of the Government in G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, which have further simplified the installation of TIT. More over, the said G.O. is not applicable if the place claimed by the petitioner is located in Gram Panchayat.

4. Learned Standing Counsel for the 3rd respondent submits that permission from the appropriate authorities were obtained including from the Ministry of Information Technology and from the Gram Panchayat and only after obtaining all permissions, the TIT is installed. Learned Standing Counsel for the 3rd respondent further submits that if there is an allegation of emission of radiation, the petitioner has to work out his remedies by complaining to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India.

5. Since the 3rd respondent has already obtained appropriate permissions and the only grievance in the complaints filed by the petitioner was that without obtaining the permission, the TIT is sought to be installed, the primary grievance of the petitioner is no more valid. If the petitioner is further aggrieved by emission of radiation from the said TIT, the petitioner has to work out his remedies by complaining to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India.

6. Granting liberty to the petitioner to work out his remedies as available in law, the Writ Petition is disposed of. 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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Date: 28th September, 2015

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