

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

**MONDAY, THE THIRTY FIRST DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

–
WRIT PETITION No.21051 of 2015

Between:

Maddila Sree Rama Murthy,
S/o. M. Suryanarayana,
Aged about 65 years,
Resident of Door No.31-7-51/2,
Kummari Street, Allipuram,
Visakhapatnam,
Andhra Pradesh – 530 004.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary to Government,
Municipal Administration and Urban Development,
Secretariat Buildings, Hyderabad & 5 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner challenges the granting of permission for erection of Telecommunications Infrastructure Tower (for short, 'TIT') on the building of the 6th respondent situated in T.S.No.1378, Block No.39, Door No.31-7-44, Kummari Veedhi, Allipuram, Visakhapatnam, as contrary to orders issued in G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, and G.O.Ms.No.146, Municipal Administration & Urban Development (M2) Department, dated 19.06.2015, and alleges that without complying the conditions stipulated in the provisional permission, such construction is taking place.

2. The petitioner alleges that his house is very nearer to the 6th respondent's building and on account of establishment of TIT, there is a possibility of causing of several health hazards due to emission of radiation from the said tower and there is a threat to the residents of the nearby houses. The several neighbouring people have complained against the putting up of TIT, but the same has not been acted upon. Hence, this writ petition.

3. The only grievance of the petitioner in the writ

petition is that on account of establishment of the TIT in the premises of the 6th respondent, it may result in emission of radiation causing health hazard to the petitioner as well as neighbours living in the surrounding houses.

4. In supersession of Orders issued in G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, the Government issued revised orders in G.O.Ms.No.146, Municipal Administration & Urban Development (M2) Department, dated 19.06.2015. According to para 5 of this G.O., if there is any complaint of radiation on account of the installation of the TIT, the complaint can be lodged before the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India.

5. Having regard to the said provision, if the petitioner is aggrieved by radiation due to installation of TIT in the 6th respondent's building, it is open to the petitioner to complain before the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India.

6. The Writ Petition is disposed of, accordingly, by granting liberty to the petitioner as stated above. 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: 31st August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 31st August, 2015

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