

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

**THURSDAY, THE EIGHTH DAY OF OCTOBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.1411 of 2015

Between:

Mamidikayala Venkateswarlu,
S/o. Venkataramaiah,
Hindu, Aged about 65 years, Occ: Business,
R/. D.No.10-52-2, Amaravathi Flats,
Chenchupeta, Tenali,
Guntur District & another

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Prl. Secretary,
Municipal Administration and Urban Development,
Secretariat, Hyderabad & 4 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1411 of 2015

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ORDER:

The petitioners challenge granting of permission for erection of Telecommunications Infrastructure Tower (for short, 'TIT') in the vacant site of the 5th respondent situated in VGTM VUDA Layout Plot No.E.W.S.A.77, D.No.10-75-1, in Survey Nos.168/4 & 242/2, at Amaravathi Plots, Tenali, Guntur District, in violation of orders issued in G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, without there being preliminary enquiry and calling for objections from neighbours.

2. The petitioners allege that they are residents of Amaravathi Flats, situated at Chenchupeta, Tenali, Guntur District, which is beside the house plot of the 5th respondent and on account of establishment of TIT and oppose erection of cellular tower near to their residences. They apprehend danger to the residents of the nearby houses. The petitioners along with some other persons have submitted a representation on 12.01.2015 against the putting up of TIT, but the same has not been acted upon. Hence, this writ petition.

3. The only grievance of the petitioners in the writ petition is that on account of establishment of the TIT in the house plot of the 5th respondent, it may cause physical harm to the petitioners as well as neighbours living in the surrounding houses. Reliance is placed on G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013.

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. This G.O. has simplified procedure for grant of TIT. In terms of this G.O., there is no requirement to obtain prior consent of neighbours for installation of TIT. The proceedings, dated 06.01.2015, by which permission is granted to 4th respondent mandates observance of the setback norms. It is not pointed out as to how these norms are not observed. Thus, no relief as sought for can be granted. However, having regard to the apprehension expressed by petitioners, the 4th respondent is directed to ensure that cell tower is erected properly and its stability be ensured.

5. Accordingly, the Writ Petition is disposed of. 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: 8th October, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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