

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

WRIT PETITION No.22659 of 2015

-

Between:

Grama Abhudaya Yuvajana Seva Sangam,
70th Ward, Gavarapalem Colony,
Chintalagraharam, Visakhapatnam – 47,
Rep. by its President, Mr. Polimer Seetharam

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration Department,
A.P. Secretariat, Hyderabad & 5 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

- | | | |
|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | Yes/No |

-

-

-

-

-

-
-
HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22659 of 2015

-
ORDER:

The petitioner claims to be the President of Grama Abhudaya Yuvajana Seva Sangam of 70th Ward, in Gavarapalem Colony, Chintalagraharam, which is within the Greater Visakhapatnam Municipal Corporation (for short, 'GVMC') limits. The petitioner is aggrieved by erection of a cell tower within the earlier revenue village, which is now part of GVMC.

2. Learned counsel for the petitioner contends that there are water bodies, railway lines, electricity lines, schools and residential houses in the village and erection of cell tower would affect the villagers adversely. He further contends that already the village is affected by fluoride and if the cell tower is erected, it would result in radiation, which will have further adverse consequences and, hence, challenges the decision of the respondents in providing the cell tower in the village. In support of the said contentions, the petitioner placed reliance on the orders of the Government in G.O.Ms.No.380, Municipal Administration & Urban Development Department dated 01.08.2013.

3. Learned Standing Counsel submitted that the said G.O. is no more in force insofar as the municipal areas are concerned. Keeping in view the remarks furnished by the Director of Town and Country Planning, A.P., Hyderabad, guidelines issued by Telecommunication Department, the Government of India, in

supersession of earlier orders, the Government issued revised orders in G.O.Ms.No.146, Municipal Administration and Urban Development (M2) Department, dated 19.06.2015. According to this G.O., there are only few conditions which are required to be complied for erection of cell tower and the petitioner has not pointed out as to how the said conditions are violated in erecting a cell tower. He further submits that according to para 5 of the G.O., if there is a grievance regarding radiation effect on erection of cell tower, the aggrieved person shall apply to the Telecom Enforcement and Resources Monitoring (TERM) Cell, Department of Telecommunications.

4. In view of the fact that G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, is no more in force and the same is succeeded by new orders of the Government in G.O.Ms.No.146, Municipal Administration and Urban Development (M2) Department, dated 19.06.2015, the reliance on the earlier G.O. is no more valid. Further more, except for making vague statements of affecting the village or availability of the school or dam, it is not stated specifically as to how the conditions imposed in the G.O.Ms.No.146, Municipal Administration and Urban Development (M2) Department, dated 19.06.2015, are violated on the erection of cell tower. Further more, as contended by the learned Standing Counsel for the respondent Corporation, if the petitioner's grievance is emitting of radiation on account of the erection of cell tower, the petitioner must appeal to the Department of Telecommunications.

5. Having regard to the same, the Writ Petition is dismissed, leaving it open to the petitioner, if so advised, to prefer

appeal to the Department of Telecommunications ventilating the grievance that erection of cell tower is likely to cause radiation and resulting in health hazard to the people living in the vicinity of the cell tower. 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: 22nd July, 2015

KL



HON’BLE SRI JUSTICE P.NAVEEN RAO

-
-
-
-

-
-
-
-
-
-
-

-
-
-
-
-
-

-
-
-
-
-
-
-
-
-

WRIT PETITION No.22659 of 2015

-

Date: 22nd July, 2015

KL