

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9266 OF 2010

ORDER

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The case of the petitioner is that he is the resident of Jagannadhagiri Village, Kajuluru Mandal, East Godavari District. While so, the 3rd respondent is trying to construct a cell tower in the site adjacent to the petitioner's house, belonging to the 4th respondent. The 3rd respondent made an application to the 2nd respondent for issuance of No Objection Certificate for construction of cell tower in the middle of the residential houses. But the 2nd respondent rejected the same vide resolution dated 26.03.2010. The 1st respondent also issued a memo dated 19.02.2010 to the 2nd respondent to take necessary action in the matter as per the Government Memo dated 09.02.2004. As per the said Government Memo, no cell tower can be constructed without obtaining No Objection Certificate. In spite of the same, the 3rd respondent is making efforts to construct the cell tower against the decision of the 2nd respondent. It is also stated that great harm will be caused to the surrounding residents of the village due to radiation that emerges from the cell tower. Since the respondents 1 and 2 are not taking any action against the construction of the cell tower by the 3rd respondent, the present writ petition is filed.

This Court passed interim order on 15.06.2010 stating that any construction of installation of Cell Tower will be subject to further orders.

Heard the learned counsel for the petitioner.

Learned counsel for the 3rd respondent Sri Islamuddin Ansari submits that by virtue of exemption granted by the Government in G.O.Ms.No.334 dated 09.10.2012, the 3rd respondent has erected the Cell tower and the same was regularised as per the said G.O. As per G.O.Ms.No.75 dated 29.07.2015, there is no prohibition for erection of cell tower in the residential locality.

Since the cell tower is already erected and is functioning as on today and since the Government has amended the G.Os from time to time, it is open for

the respondents to take appropriate action against the 3rd respondent in case he has the constructed the same in violation of the Rules and Regulations made therein by following due process of law.

With the above direction, the writ petition is disposed of. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 29.09.2015

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