

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.42078 of 2015

Dated 28.12.2015

Between:

Smt.S.Devirajya Lakshmi

... Petitioner

and

-
The State of A.P.,
Rep. by its Prl.Secretary
Municipal Admin. &
Urban Development Dept.,
Hyderabad, and 4 others.

...Respondents

**Counsel for the petitioner: Mrs.Ch.Sujatha for
Mr.P.Vishnuvardhan Reddy**

**Counsel for respondent No.1: AGP for Municipal Administration
(TS)**

The Court made the following:

Order:

The petitioner, who is the neighbour of the building belonging to respondent No.5, over which a cellular tower has been permitted to be erected by respondent No.4, filed this Writ Petition feeling aggrieved by the permission granted by respondent

Nos.2 and 3 for such erection.

At the hearing, the learned Counsel for the petitioner submitted that the building, over which the cellular tower has been erected, is not suitable enough to withstand the huge structure and that respondent Nos.2 and 3 have also not ensured that proper safety measures are taken by respondent No.4 to prevent any health hazards that may be caused by operation of cellular tower to the residents of the neighbourhood.

Mr.Sampath Prabhakar Reddy, learned Standing Counsel for Greater Hyderabad Municipal Corporation, appearing for respondent Nos.2 and 3, submitted that on the petitioner's own showing, respondent No.2 has considered the application of respondent No.4 and granted permission on 18-11-2015. He has further submitted that such permission was granted by respondent No.2 only on being satisfied that all the precautions envisaged by G.O.Ms.No.96 Municipal Administration & Urban Development (M1) Department, dated 05-08-2015, were taken.

Inasmuch as the petitioner being the immediate neighbour to the subject building has the apprehensions about its structural safety and the health hazards that may be caused on account of operation of the cellular tower in the residential area, respondent Nos.2 and 3 are directed to consider the petitioner's representation, dated 21-11-2015, hold an enquiry after notice to the petitioner as well as respondent No.4 and pass an appropriate order thereon within two months from the date of receipt of this order.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.54265 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 28th December, 2015
LUR