

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

**FRIDAY, THE TWENTY EIGHTH DAY OF AUGUST TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.27243 of 2015

Between:

Kalasiguda Residential Welfare Society,
Regd. No.123/2015,
1-2-132, Lane Beside Minerva Complex,
Near Kamakshiamma Temple,
Satyanarayana Road, Kalasiguda,
Secunderabad, Rep. by its President
T. Pramod Kumar

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27243 of 2015

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ORDER:

The petitioner is a residential welfare society. The petitioner's society challenges the erection of Telecommunications Infrastructure Tower (for short, 'TIT') in the building owned by the 4th respondent, by 3rd respondent on the ground that no prior permission or consent was obtained from the residents of the locality and from the society and, therefore, the same is illegal. It is also further contended that the TIT may emit radiation, which would cause health hazard. Reliance is placed in support of the said contentions on the orders in G.O.Ms.No.380, dated 01.08.2013, amended by G.O.Ms.No.5, Municipal Administration & Urban Development (M1) Department, dated 27.09.2014.

2. Learned counsel appearing for the 3rd respondent submits that the third respondent has obtained due permission for erection of the TIT and, therefore, its erection is not illegal. He submits that there is no requirement to obtain the consent of the residents. Learned counsel further submits that the G.O.Ms.No.380, dated 01.08.2013, is now superseded by orders issued in G.O.Ms.No.96, Municipal Administration & Urban Development, dated 05.08.2015, and there is no such

requirement prescribed in the said G.O.

3. As seen from the orders issued in G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, there is no requirement of obtaining consent from the people in the locality where a TIT is sought to be erected. The various requirements imposed in the G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, are only required to be complied, but not the consent of the local people. With reference to the emission of radiation from the TIT, the G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, enables the aggrieved persons to appeal to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India and the said authority is competent to look into the grievance and only in such a case, if the authority finds that the TIT is emitting radiation, appropriate action shall be taken.

4. Thus, leaving it open to the petitioners to avail the remedy provided by G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015, to complain to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India, the Writ Petition is dismissed. 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: 28th August, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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Date: 28th August, 2015

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