

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

WRIT PETITION NO.13340 of 2015

Between :

P. Venkata Ramana, S/o.Rama Rao,
Aged 35 yrs, R/o.Sri Ramnagar, North Simhachalam,
Gopalapatnam, Visakhapatnam

.. Petitioner

and

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 11.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.13340 of 2015

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ORDER :

The petitioner challenges the erection of cell tower by the 3rd respondent in D.No.4-177/1, Panda Quarters, Gopalapatnam, Visakhapatnam, in the property belonging to the 4th respondent. The petitioner allege that the 4th respondent was having no sanctioned plan, construction was made in violation of building rules and that there is no occupancy certificate to the said premises. The building on which the 3rd respondent is proposing to construct cell tower is in dilapidated condition. It is further alleged that the 3rd respondent has to obtain permission from the Greater Visakhapatnam Municipal Corporation (2nd respondent), but there was no such permission. The petitioner and others have submitted a representation to the 2nd respondent in January, 2015. The petitioner has also made a complaint to the 5th respondent. But so far no action has been taken on the representation of the petitioner. The petitioners also apprehend that erection of cell tower would result in radiation and would affect the health of the local people. This writ petition is filed challenging the orders of the authorities in granting permission to erect the cell tower as void and violation of orders of the Government in G.O.Ms.No.380 Municipal Administration and Urban Development Department dated 01.08.2013.

2. Learned Government Pleader brought to the notice of this Court, that in supercession of the orders in G.O.Ms.No.380 dated 01.08.2013, the Government notified revised policy in G.O.Ms.No.146, Municipal Administration & Urban Development (M2) Department dated 19.06.2015 and the said G.O., prevails with reference to grant of cell tower in urban areas.

3. According to learned Government Pleader if a person is aggrieved of apprehended radiation, he must go in appeal to the Telecom Enforcement Resources and Maintenance Cell (TERM Cell) Department of Telecommunications, Government of India. Furthermore, availability of a private school within the vicinity is not a bar for granting of permission of cell tower .

4. As seen from the orders in G.O.Ms.No.146 dated 19.06.2015,

earlier restrictions in granting of permission to cell tower is substantially reduced. There is no mention that location of school is a bar for erection of cell tower in the said G.O. The said orders are not under challenge. Furthermore, according to Para No.5 of the said G.O., if a person is aggrieved by any radiation emanating from cell tower, he must go in appeal to the TERM Cell, Department of Telecommunications, alleging radiation.

5. Having regard to the same, the Writ Petition is not maintainable and accordingly dismissed. However, it is open to the petitioner to appeal to the TERM Cell, Department of Telecommunications, Government of India, alleging violation of radiation norms. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

11th August, 2015.
Rds

P.NAVEEN RAO,J