

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

**MONDAY, THE TWENTY EIGHT DAY OF SEPTEMBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.31269 of 2015

Between:

Shaik Zakir Hussain, S/o. Peer Ali Sha,
Aged about 43 years, Occ: Business,
R/o.D.No.20.5.80, Lanka Veedhi,
Vizianagaram.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principle Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad & 4 others

.. Respondents

The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.31269 of 2015

-

ORDER:

The petitioner challenges the establishment of Cellular Infrastructure Tower in the 18th Ward, Lanka Veedhi, Vizianagaram District.

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development Department for the 1st respondent, learned Government Pleader for Revenue for the 2nd respondent and Sri P. Hema Chandra, learned Standing Counsel for the 3rd respondent.

3. When the matter is taken up, learned counsel for the petitioner states that the challenge is on the ground that schools and colleges are located in the vicinity and the establishment of the Cellular Infrastructure Tower may cause health hazard to the residents as well as their children. Reliance is placed on the Government orders in G.O.Ms.No.380, Municipal Administration & Urban

Development Department, dated 01.08.2013.

4. The G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, is now replaced. The Government issued revised orders in G.O.Ms.No.146, Municipal Administration & Urban Development (M2) Department, dated 19.06.2015. The Government has now simplified the procedure. There is no requirement of taking consent of the neighbours and a Cellular Infrastructure Tower can be established even if a school or college is located in the vicinity. This G.O. is not under challenge in this writ petition. Having realized that the G.O.Ms.No.380, Municipal Administration & Urban Development Department, dated 01.08.2013, is no more in force, learned counsel for the petitioner submits that liberty be granted to the petitioner to submit a petition to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India, alleging emission of radiation from the Cellular Infrastructure Tower.

5. Having regard to the said submissions, the Writ Petition is disposed of granting liberty to the petitioner to submit a petition to the Telecom Enforcement and Resources Monitoring (TERM) Cell in the Department of Telecommunications, Government of India, alleging emission of radiation and as and when such a representation is made, the TERM Cell in the Department of Telecommunications, Government of India, shall consider and pass appropriate orders, as warranted by law. There shall be no order as to costs. Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 28th September, 2015

KL

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.31269 of 2015

-

Date: 28th September, 2015

KL