

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39439 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in grating provisional NO-Objection Certificate in Roc.No.402/G1/2017 dated 25-9-2017 to the 3rd respondent to install roof top cell tower in the residential area of Periyavaram of Venkatagiri Municipality as illegal and arbitrary and consequently direct the 2nd respondent not to allow the 3rd respondent to install the roof top cell tower in the residential area at Survey No. 109/10 of Periyavaram, Venkatagiri Municipality, and pass such other or further order or orders as deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *P. Gangarami Reddy*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *M.D. Saleem*, learned Standing Counsel appearing for the 2nd respondent. I have perused the material record.

3. The grievance of the writ petitioner is with regard to establishment of the subject cell tower in a residential locality and his apprehension is with regard to the power emissions/radiations, which may endanger the health of the residents of the locality.

4. At the hearing, learned counsel appearing for the petitioner would submit that the grievance of the writ petitioner would be redressed, if a direction is given to the respondents to consider and

dispose of the representation, dated 14.11.2017, of the petitioner in accordance with the procedure established by law.

5. However, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent brings to the notice of the Court G.O.Ms.No.146, Municipal Administration & Urban Development (M2) Department, dated 19.06.2015, and the contents thereof and submits that if any citizen has a grievance with regard to power emissions or radiations, all such complaints regarding radiation related technical details shall be dealt with by the Telecom Enforcement and Resources Monitoring (TERM) Cell of the Department of Telecommunications (DoT), Government of India, and, therefore, the petitioner has to approach the said Cell for redressal of grievance.

6. Learned counsel for the petitioner endorses the said submissions.

7. Recording the submissions, the Writ Petition is disposed of reserving liberty to the petitioner to approach the concerned TERM Cell of DoT for redressal of the grievance. It is needless to state that on the petitioner approaching the said Cell by a fresh representation or by resubmitting a copy of the representation, dated 14.11.2017, the same shall be considered and disposed of by the said authority/Cell in strict accordance with the procedure established by law, however, after giving an opportunity of hearing to the 3rd respondent also and communicate the decision taken thereon to the petitioner within a week after such decision is taken.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 28th November, 2017

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