

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.43069 OF 2018

ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.K.Venkatesh, Mr.G.Ramachander, Mr.K.K.Durga Prasad and Mr.N.Ravinder for parties.

The petitioners are residents of Ganapathi Nagar, Katheru Gram Panchayat, Rajamahendravaram Rural Mandal, East Godavari District. The petitioners pray for a direction to respondents 2 to 7 to take steps as may be necessary to remove cell tower erected by 8th respondent at Door No.122-6-88 at Ganapathi Nagar, Katheru Gram Panchayat, Rajamahendravaram Rural Mandal, East Godavari District, as the said Cell Tower is causing radiation and also health hazards to petitioners. The petitioners pray for a declaration that the cell tower at subject premises established by 8th respondent contravenes G.O.Ms.No.4, dated 02.01.2013.

We have heard the learned counsel and are of the view that instead of expressing any view on the grievance of petitioners, to meet the ends of justice and also to provide for enquiry on the grievances of petitioners and a forum for examination of their grievances is utilized, we are satisfied that the writ petition is disposed of by this order.

(a) The petitioners are given liberty to file a representation to 10th respondent, who is stated to

be the competent authority, by enclosing a copy of this order within four weeks from today.

(b) The 10th respondent under intimation to petitioners 1, 3 and 7 conducts field inspection and test in vogue in the presence of the parties and passes orders as are appropriate and warranted in the interest of residents of locality and also for running the cell tower by having full compliance with the requirements of law. The cell tower if is causing problem, which may be determined in the course of inspection etc., orders are passed by other respondents to remove the cell tower to protect the health of the petitioners.

(c) The said exercise is directed to be completed within four weeks from the date of receipt of representation.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

18th December, 2018

Prv