

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11193 of 2019

ORDER:

Petitioner claims to be the resident of Dr.Prakash Rao Nagar, Pocharam Municipality. Petitioner opposes erection of cellular tower in the said residential locality. According to the petitioner, in the vicinity where the cellular tower is permitted to be erected, schools and several residential houses are located and if the cellular tower is erected in the place where it was permitted to be erected, it would cause health hazards to the residents. Petitioner, therefore, claims to have submitted representations on 10.01.2019 and 27.04.2019 along with others seeking to cancel the permission granted. This writ petition is filed praying to declare the inaction of the respondents in disposing the representations as illegal and to direct the respondents to dispose of the representations by setting aside the orders passed by the 4th respondent-Municipality on 28.11.2018 granting permission to the 5th respondent to erect the cellular tower at H.No.4-72, Annojiguda Village, Pocharam Municipal limits.

2. Reliance is placed on the guidelines for installation of mobile towers drawn from the website and stated to have been posted on 15.02.2011. According to these guidelines, cellular towers should not be erected within the premises of schools and hospitals and shall not be erected within 100 meter radius of hospitals and educational institutions.

3. A reading of the representation made on 10.01.2019 would disclose that the residents of the said locality alleged that installation of cellular tower would result in powerful radiation and frequency of such cellular tower would be affecting their health. In

the subsequent representation dated 29.04.2019 a request was made to stop permission to the cellular tower. In other words, the objection for erection of cellular tower by the 5th respondent in the said location is on the ground that establishment of cellular tower would cause radiation. Government notified Comprehensive Guidelines for Issue of Clearance For Installation of New Telecommunication Infrastructure Towers vide G.O.Ms.No.96 Municipal Administration & Urban Development (M1) Department dated 05.08.2015. By these instructions, several stringent conditions imposed earlier were relaxed. With reference to the causing of radiation, in para No.6 thereof, it is ordered that Radiation Norms given by DeITY have to be strictly followed by all Tower Infrastructure Service Providers and limit the Power Emissions/Radiations. It also envisages that all the complaints regarding radiation and radiation related technical details are being dealt by TERM Cell of Department of Telecommunication and any citizen can approach the concerned TERM Cell of Telecommunication Department for redressal of grievance with regard to any issue relating to radiation.

4. Since on the issue of radiation, a separate mechanism is provided by G.O.Ms.No.96 dated 05.08.2015, granting liberty to the petitioner to file appropriate application before the TERM Cell of Department of Telecommunication, this writ petition is dismissed.

Miscellaneous Petitions pending in this Writ Petition, if any, shall stand closed.

P.NAVEEN RAO, J

10th June, 2019.
sur