

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.18007 OF 2019

Date:21.08.2019

Between:

M/s. ATC Telecom Infrastructure Private
Limited, IV Floor, Gowra Plaza, Begumpet,
Secunderabad, rep., by its Circle Head - Legal .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, (Municipal Administration
and Urban Development), Secretariat,
Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.18007 OF 2019****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1, Sri L. Venkateshwara Rao, learned standing counsel for GHMC for respondents 2 to 4 and R. Vinod Reddy, learned standing counsel for TSSPDCL for respondent No.5.

2. Vide notice dated 22.07.2019, petitioner was informed by the respondent – GHMC that they received a complaint that the cellular tower erected in the subject building is causing hazardous radiation and the cellular tower was erected without obtaining permission. Petitioner claimed to have filed explanation giving reasons in support of its contention that the respondent – GHMC is not competent to direct the petitioner to remove the cellular tower on the allegation of radiation and the building permission was obtained and as no decision was made on the application made after lapse of time, the cellular tower was constructed and the same is in existence.

3. With reference to the first limb of notice, the respondent – GHMC is not competent to deal with the issue of radiation. By the orders of the Government, the Telecom Enforcement Resource and Management (TERM) Cell is established in the Telecommunication Department and any person having grievance regarding radiation from cellular tower can make an application to the said grievance cell and the said Cell is competent to analyze as to whether the

cellular tower is emitting radiation beyond the limits permissible.

To that extent, the notice is set aside.

4. With reference to other aspects, since the petitioner has already filed detailed explanation, the respondent – GHMC is directed to consider the same and take appropriate decision within four weeks from the date of receipt of a copy of this order. Till such decision is made, the respondents are directed not to take any coercive action including direction to disconnect the power supply to the petitioner's cellular tower.

5. The Writ Petition is accordingly disposed of. Pending miscellaneous petitions shall stand closed.

Date:21.08.2019

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P. NAVEEN RAO, J

