

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.23097 of 2019

ORDER:

This Writ Petition is filed challenging the proceedings No.G1/207/2019, dated 21.09.2019 passed by the 2nd respondent, wherein and whereby the permission granted to the petitioner for erecting the cell tower was kept in abeyance on the complaint of the residents of the locality, on the ground that they will be affected by the radiation emanated from the cell tower.

Heard learned counsel for the petitioner, Sri N.Praveen Kumar, learned Standing Counsel for the 2nd respondent.

Learned counsel for the petitioner submits that G.O.Ms.No.96, Municipal Administration & Urban Development (M1) Department, dated 05.08.2015 provides remedy in respect of grievance regarding radiation in Clause No.6 of the said G.O and that the Municipality has no power to consider the complaint regarding radiation, since it is highly technical issue. He also submits that without issuing any notice, the impugned order is passed, which is in violation of principles of natural justice.

Sri N.Praveen Kumar, learned Standing Counsel for the 2nd respondent, could not dispute about the issuance of G.O.Ms.No.96, dated 05.08.2015 in respect of grievance regarding radiation caused by the Cell towers.

A perusal of the impugned order also goes to show that no notice was issued to the petitioner before passing impugned order.

In view of the same, the impugned order dated 21.09.2019 passed by the 2nd respondent is set aside. However, this order will not preclude the affected parties from approaching Telecom Enforcement Resource and Monitoring (TERM) cell of DOT in respect of their grievance as provided in clause 6 of G.O.Ms.No.96, dated 05.08.2015.

Accordingly, this Writ Petition is allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

28-11-2019
kvs

A.RAJASHEKER REDDY, J



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