

KARNATAKA LOKAYUKTA

No: Compt/Uplok/Mys/6648/2014/ARLO-1

MS Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru, Dated: 30/01/18

REPORT u/Sec. 12(1) OF KARNATAKA LOKAYUKTA ACT 1984

Sub: In the matter of redressal of grievance of the complainant Sri.G.S.Nanjundaswamy, #96/B, 8<sup>th</sup> main, 4<sup>th</sup> cross, Shanthi Margh, Siddartha Nagar, Mysuru - reg.

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Investigation under Sec.9 of the Karnataka Lokayukta Act was taken up on the basis of the complaint filed by Sri.G.S.Nanjundaswamy, R/o #96/B, 8<sup>th</sup> main, 4<sup>th</sup> cross, Shanthi Marg, Siddartha nagar, Mysuru (hereinafter referred to as 'complainant' - for short) against Sri.Ravi Kumar - Asst. Commissioner, Zone-9, Mysuru City Corporation, Mysuru (hereinafter referred to as 'respondent', for short), alleging that, the respondent has committed misconduct.

2. The complainant has alleged that -

The respondent had failed to remove the mobile tower, installed on Anugraha Vaideshwara Private Hospital, situated in Siddarth Nagar, Mysuru, in spite of their being removal order by Karnataka State Pollution Control Board (KSPCB).

3. Report was called from the respondent. The respondent submitted report contending that, the mobile tower in question was installed prior to 11/10/2012.

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On 11/10/12 the complainant addressed letter to the Deputy Commissioner, Mysuru expressing inconvenience due to mobile tower. It is further stated that letter was addressed to CHESCOM, Mysuru to stop the electricity supply to the mobile tower.

4. The complainant submitted rejoinder contending that, the mobile tower was installed without prior sanction of MCC and without the permission of KSPCB. High tension wire had passed very near to the mobile tower and thus, likely to cause trouble in future.

5. Further, the present Zonal Commissioner, Zonal office-9, MCC, Mysuru submitted additional report, contending that the report has been called from Director, TERM, Cell Karnataka, Dept. of Tele Communications, Bengaluru and in the said report it was stated that all the telecom service providers have submitted self certificate for their BTSs radiating from the site (subject matter of this case) in the format prescribed by DOT and the values mentioned in the self certificate are within the prescribed limits.

6. A careful examination of the material on record shows that -

The mobile tower installed on Anugraha Vaideshwara Private Hospital, situated in Siddarth Nagar, Mysuru lies within the limits of MCC, Mysuru. The grievance of the complainant is the mobile tower was installed on a private hospital and the same is situated in residential locality, causing inconvenience to the residents. As per the official memorandum dated:22/02/13 bearing No:ಮೈಸೂರು.ಆ(ಕಂ):12:12-13 of City Corporation, Mysuru that the mobile tower shall not be established in school, college and hospital premises and that before installation of the tower, permission of the local authority shall compulsorily be obtained. As per the final notice dated:01/03/14, issued by Zonal office-9, MCC, Mysuru to the owner of the

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hospital, the owner has neither taken prior permission from MCC nor from KSPCB. It is further evident that, he has not taken permission from Telecom Regulatory Authority of India (TRAI). It is evident from the photograph that high tension wire is passing very closely to the mobile tower. Therefore, in view of official memorandum of MCC (supra), very installation of mobile tower is illegal and the same needs to be removed by the concerned local authority i.e., MCC, Mysuru.

7. It is necessary to take appropriate action to remove the mobile tower in question. It is hereby recommended under Section 12(1) of Karnataka Lokayukta Act 1984 to take appropriate action as stated supra within one month from the date of receipt of this recommendation and the intimation as to further action in the matter be sent to this authority.

Copies of connected records are enclosed herewith.

*S. B. Ad. 30/1/12*  
(JUSTICE SUBHASH B ADI)

Upalokayukta-2,  
State of Karnataka.

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