

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2016

THE HONOURABLE Mr. JUSTICE M.S.RAMESH

W.P.No.369 of 2011

1.C.Kannan
2.T.Vinayagam
3.K.Dharmaraj
4.S.Saravanan
5.M.Anand Kumar

... Petitioners

Vs

1.The District Collector,
Office of the District Collectorate,
Krishnagiri District.
2.The Superintendent of Police,
Krishnagiri District.
3.Indus Tower Limited,
Rep. by its Authorised Signatory,
No.1045, Srivari Srimath 3rd and 4th Floor,
Avinashi Road, Coimbatore-641 018.

4.M.Ponnammal ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of Mandamus directing the respondents herein to remove the cell phone tower structure situated in Survey No.64/1, Londonpet-1, Krishnagiri Taluk and District.

For Petitioners : Mr. M.Sriram

For Respondent : Mrs.M.E.Rani Selvam
Government Advocate for R1 and R2
Mr.Shivakumar for R3
No Appearance -for R4

O R D E R

The prayer in this writ petition is for issuance of Mandamus directing the respondents herein to remove the cell phone tower structure situated in Survey No.64/1, Londonpet-1, Krishnagiri Taluk and District stating that the installation of the cell

phone tower would cause health hazards to the petitioners and other local people. The Hon'ble Division Bench of this Court in W.P.Nos.24976 of 2008 and Batch, dated 05.03.2015, had an occasion to deal with such an issue, where in an identical set of facts, the Hon'ble Division Bench had passed the following order:

"8. Insofar as regulation of Roof Top Towers for Cellular Mobile Systems are concerned, the Department of Telecommunications, Government of India, has circulated GR No.GR/TWR-09/01 FEB 2004. Thus, the technical body has taken care of the technical aspects by providing necessary requirements. It is orally stated before us that the Government of India has constituted Inter Ministerial Committee to analyse this issue.

10. We are, thus, of the view that in a judicial proceedings these aspects cannot be analysed. There being no materials at least as on date, which finally suggest any health hazards from these towers and the solution thereon, the Court would not venture into uncharted territory of technical expertise to determine the area where it should be installed. The Court, at best can place this matter before the appropriate Committee to look into this matter which the Keral High Court already did and we have the benefit of the conclusion arrived at in those proceedings. as noticed above.

11. We are of the view that no further directions are required in these matters, other than to say that the concerned authorities would continue to analyse the materials as and when it emerges to look into the concern raised by the petitioners, especially, in view of the fact that there is no final view as yet on these aspects. Science grows and evolves and one does not know what may happen tomorrow. It is, in this context, we have made these observations."

3.The above order is self-explanatory. In view of the same, no further directions are required in this writ petition. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Office of the District Collectorate,
Krishnagiri District.
- 2.The Superintendent of Police,
Krishnagiri District.
- 3.Indus Tower Limited,
Rep. by its Authorised Signatory,
No.1045, Srivari Srimath 3rd and 4th Floor,
Avinashi Road, Coimbatore-641 018.

+1cc to the Government Pleader Sr.64918

W.P.No.369 of 2011

pvs[col]
srg 21/12/2016



WEB COPY