

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

CORAM :

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31448 of 2017
and W.M.P.No.34558 of 2017

P.Vetrivendan .. Petitioner

vs.

- 1.The Union of India,
rep. by its Secretary to Government,
Ministry of Communications, "Sanchar Bhawan",
No.20, Ashoka Road, New Delhi - 110001.
- 2.The Union of India,
rep. by its Secretary to Government,
Ministry of Electronics and Information Technology,
Electronics Niketan, No.6, CGO Complex,
Lodhi Road, New Delhi - 110003.
- 3.The Department of Telecommunications,
rep. by its DDG (Term),
3rd Floor, Telecom Building,
No.1, Bharathi Park Road-II,
Coimbatore - 641043.
- 4.The State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and Water
Supply (MAI) Department,
Secretariat, Fort St. George,
Chennai - 600009.
- 5.Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
(next to Zakir Hussain College),
Jawaharlal Nehru Marg (Old Minto Road),
New Delhi - 110002.
- 6.The District Collector,
Collectorate, Cuddalore District.

7.The Block Development Officer,
Cuddalore Post and District.

8.The Tahsildar,
Cuddalore Post and District.

9.M/s.Reliance Jio Infocomm Limited,
rep. by its Legal Manager,
Circle Office at A1 Tower, 8th Floor,
No.89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the respondents 1 to 8 to take immediate action to prevent the erection, installation and operation of the Mobile Phone Tower together with equipments by the 9th respondent or any other Mobile Operator over Plot Nos.39/7 & 37/1, comprised in Survey No.70/11, Singirikudi Village, Singirikudi Taluk, Cuddalore District, Tamil Nadu or anywhere surrounding the residential locality and remove the existing weak foundation put-up by the 9th respondent, on the basis of the petitioner's representation dated 13.10.2017.

For Petitioner : Mr.L.S.M.Hasan Fizal

For Respondents

R1 & R2 : Mr.T.V.Krishnamachari,
Special Government Pleader

R4, R6 to R8 : Mr.T.N.Rajagopalan
Government Pleader

(I/C)

O R D E R

(Order of this Court made by T.S.Sivagnanam,J.)

The petitioner by way of this Public Interest Litigation seeks for a direction upon the respondents 1 to 8 to take immediate action to prevent the erection, installation and operation of the Mobile Phone Tower together with equipments by the 9th respondent or any other Mobile Operator over Plot Nos.39/7 & 37/1, comprised in Survey No.70/11, Singirikudi Village, Singirikudi Taluk, Cuddalore District, Tamil Nadu or anywhere surrounding the residential locality and remove the existing weak foundation put-up by the 9th respondent, on the basis of the petitioner's representation dated 13.10.2017

2.The issue with regard to the erection and installation of Mobile Phone Tower came up for consideration before the Division

Bench of this Court in the case of K.R.Ramaswamy @ Traffic Ramaswamy vs. The Secretary, Department of Telecommunications, Government of India, New Delhi in W.P.Nos.24976 of 2008 and batch dated 05.03.2015 and the Court disposed of the writ petitions by issuing certain directions. The operative portion of the order reads as follows:

"10.We are, thus, of the view that in a judicial proceeding these aspects cannot be analysed. There being no materials atleast as on date, which can finally suggest any health hazards from these towers and the solution thereof, 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 Kerala 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.In the light of the above decision, the prayer sought for in this writ petition cannot be granted and accordingly, the writ petition is disposed of on the same lines. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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 - 6.The District Collector,
Collectorate, Cuddalore District.
 - 7.The Block Development Officer,
Cuddalore Post and District.
 - 8.The Tahsildar,
Cuddalore Post and District.
- +1cc to Mr.T.V.Krishnamashari, Advocate, S.R.No.87207
+1cc to Mr.K.Arunagiri, Advocate, S.R.No.88373
+1cc to the Government Pleader, S.R.No.87455

W.P.No.31448 of 2017
and W.M.P.No.34558 of 2017

RR(CO)
RRK(17/01/2018)

सत्यमेव जयते

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