



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

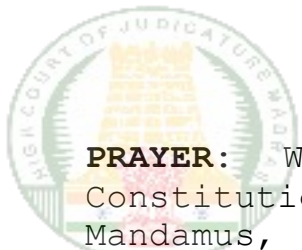
W.P (MD) No.19582 of 2019

Subramanian

.. Petitioner

Vs.

- 1.The Union of India,
Rep. by its Secretary,
Communication and Information Technology,
Department of Telecommunication Engineering Centre,
Khusirial Poliavan Janpat, New Delhi.
- 2.The State of Tamil Nadu,
Rep.by its Secretary,
Environment and Forest Department,
Secretariat, Chennai.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
30/2, SIDCO Industrial Estate,
Pettai, Tirunelveli-627 010.
- 5.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
- 6.The Inspector of Police,
Town Police Station (L&O),
Tirunelveli City, Tirunelveli.
- 7.M/s.Bharti Infratel Ltd.,
Registered Office at No:H-5/12,
Quatab Ambience, Mehrauli Road,
New Delhi-110 030 and its Circle Office
at Oceanic Towers,
No:101, Santhome High Road,
Santhome, Chennai-600 028,
Rep by its Authorised Signatory



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents from erecting and installing of Cell Phone Tower, Base Trans-receiver or other high frequency network equipments within the residential area of Saliyar Street, Nethaji Road, Tirunelveli Town, consequently direct the third respondent to consider the objection / representation dated 13.08.2019 and give opportunity to the concerned general public before considering permission for installing mobile phone tower within the residential are, i.e., Saliyar Street, Nethaji Road, Tirunelveli Town, Tirunelveli within the time stipulated.

For Petitioner : Mr.S.Balamurugan

For R1 : Mr.H.Velavadoss
Central Government Standing Counsel

For R2 to R6 : Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Balamurugan, learned counsel appearing for the petitioner, Mr.H.Velavadoss, learned Central Government Standing Counsel counsel appearing for the first respondent and Mr.A.K.Baskara Pandian, learned Special Government Pleader for the third respondent.

2. By consent of both parties, this writ petition is taken up for final disposal.

3. By way of this writ petition styled as Public Interest Litigation, the petitioner seeks for a direction to forbear the respondents from erecting a cell phone tower in the property owned by the eighth respondent. Admittedly, the petitioner has got some personal grievances against the eighth respondent, because both are residing in the same area and probably neighbours. Therefore, we cannot consider this writ petition as a Public Interest Litigation but a Personal Interest Litigation. The allegation is that there is an inherent danger.

4. The issue of cell phone tower installation has already been considered in several litigations and has been rejected. We are informed by the learned Special Government Pleader that there is a Government Order, which requires the cell phone tower operator to obtain appropriate permission from the District Collector of the concerned district. It goes without saying that such procedure in vogue has to be complied with. However, at the



instance of the petitioner, we cannot issue any direction. As we find this is not a *bona fide* Public Interest Litigation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Union of India,
Rep. by its Secretary,
Communication and Information Technology,
Department of Telecommunication Engineering Centre,
Khusirial Poliavan Janpat, New Delhi.
- 2.The State of Tamil Nadu,
Rep.by its Secretary,
Environment and Forest Department,
Secretariat, Chennai.
- 3.The District Collector,
Tirunelveli District, Tirunelveli.
- 4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
30/2, SIDCO Industrial Estate,
Pettai, Tirunelveli-627 010.
- 5.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.
- 6.The Inspector of Police,
Town Police Station (L&O),
Tirunelveli City, Tirunelveli.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-86401[F] dated 12/09/2019)

+1 CC to M/s.H.VELAVADHAS, Advocate (SR-86403[F] dated 12/09/2019)

+1 CC to M/s.GP (SR-86577[F] dated 13/09/2019)

ORDER MADE IN

W.P (MD) No.19582 of 2019

12.09.2019

_KM/ (30.09.2019) 3P 10C