

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11682 of 2014

Chandra Bhushan Singh, son of Late R.D. Singh, resident of at present New Vakalatkhana, Block No. 2, Near S.D.O. Court, court campous, Muzaffarpur, Permanent resident of village- Kolwara, P.O.- Kolwara, P.S.- Saraia, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development and Housing Department, State of Bihar, Patna
3. The Joint Secretary, Urban Development and Housing Department, State of Bihar, Patna
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur
5. The District Magistrate, Muzaffarpur
6. The Superintendent of Police, Muzaffarpur
7. The Municipal Corporation through its Municipal Commissioner, Muzaffarpur
8. The Municipal Commissioner, Municipal Corporation, Muzaffarpur
9. The Executive Officer, Municipal Corporation, Muzaffarpur
10. GTL Infrastructure Limited (GIL) having its registered office Mactros House, MIDC Building No. 2, Sector 2, Millennium Business Park, Mahape, Navi Mumbai- 400710, Maharastra, India, through its Director
11. Ram Kumari Devi, W/O Late Devendar Singh at MIT College, Laxmi Chowk, Daudhpur Koti, P.O.and P.S.- MIT Brahampura, District- Muzaffarpur
12. The Union of India through Ministry of Telecom Department, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Raghwanand, G.A. XI
For Muzaffarpur		
Municipal Corporation	:	Mr. Awadhesh Kumar, Advocate
For Respondent No. 10	:	Mr. Rajesh Ranjan No. I, Advocate
For the Union of India	:	Mrs. Nivedita Nirvikar, C.G.C.
For the Respondents	:	Mr. Nityanand Mishra, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-02-2020



Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner has prayed for the following relief:-

“For issuance of appropriate writ(s)/direction(s) to the respondents to remove the communication/mobile tower of Respondent No. 10 from the land bearing Khata No. 02, Plot No. 95, Thana No. 84 admeasuring about 2109 sq. ft. situated at MIT College, Laxmi Chowk, Daudhpur Kothi, P.O. & P.S.- MIT, Brahampura, District- Muzaffarpur which is also besides the child hospital namely Kamala Devi Jaishwal Jain Hospital because the installation of communication/ mobile tower within the radius of 100 metres for a school, a college or a hospital is completely against the Rule-4 of Bihar Communication Towers and Related Structure Rules, 2012.”

At the time when the petition was filed, petitioner pointed out setting up of mobile towers at Kamala Devi Jaishwal Jain Hospital; M.I.T. College; and child hospital near M.I.T. College, in violation of the provisions of the Bihar Communication Towers and Related Structures Rules, 2012.

From the affidavits filed by the respondents, it is evident that action stands taken.

Shri Awadhesh Kumar, learned counsel appearing for



the Muzaffarpur Municipal Corporation states that appropriate action stands taken and at this point of time there is no tower which stands established contrary to the Rules.

Smt. Nivedita Nirvikar, learned counsel appearing on behalf of the Union of India, states that now it is settled that setting up of mobile tower(s) does not have any adverse health effects or consequences.

Well, on the issue of health hazard, we do not express any opinion, but in so far as compliance of the Rules are concerned, we have no hesitation in recording that the respondents have taken appropriate action in accordance with law.

As such, the present petition, having served its purpose, is being disposed of with the following directions:-

- (a). It shall be open for the petitioner, a public spirited person, to invite attention of the authorities, more specifically the Commissioner, Municipal Corporation, Patna/Muzaffarpur of any mobile tower having been established in violation of the Rules;
- (b). The said authority shall take appropriate action in accordance with law, positively within a period of



three months thereafter;

(c) Liberty is reserved to the petitioner to take recourse to such remedies as are otherwise available under law.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-Utkarsh

AFR/NAFR	
CAV DATE	
Uploading Date	19.02.2020
Transmission Date	

