



WEB COPY

W.P.(MD) No. 7576 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2021

CORAM :

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P.(MD) No. 7576 of 2021

and

W.M.P(MD).No. 5746 of 2021

Karthick

...Petitioner

Vs

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Commissioner,
Sivagangai Municipality,
Sivagangai.
3. The Tahsildhar,
Sivagangai Taluk,
Sivagangai District.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
5. Kannuchamy

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the respondents particularly the 1st respondent from issuing any permission, license or certificate of no objection etc., to the 5th respondent for erecting any cell phone tower in Velu Nachiyar Street of Ward No.12 of Sivagangai Municipal Corporation.

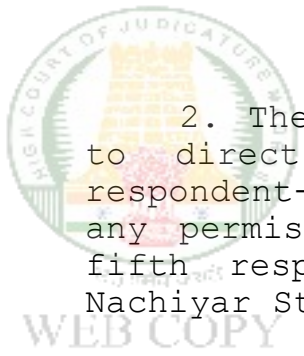
For Petitioner : Mr.T. Kumar

For respondents : Mr.K. Mu. Muthu
Additional Government Pleader

ORDER

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

In the light of the orders we propose to pass in the writ petition, notice to the fifth respondent is dispensed with.



2. The Writ petitioner seeks for issuance of Writ of Mandamus to direct the official respondents, particularly, the first respondent-District Collector, Sivagangai District, from granting any permission or licence or certificate or no objection to the fifth respondent for erecting the mobile phone tower in Velu Nachiyar Street, Ward No.12, Sivagangai Municipal Corporation.

3. An identical prayer was considered in several cases, one of which is in a Public Interest Litigation, filed by Dr.K.R.Ramaswamy @ Traffic Ramaswamy in W.P.No.24967 of 2008. The Hon'ble First Bench of this Court disposed of all the writ petition with the following observations:

.....

"5. It is not for this Court exercising its extraordinary writ jurisdiction to assess the health hazards of erection and/or commission of high rise mobile phone Towers in residential areas or elsewhere. The exercise of study of health hazards, if any, of erection of Cellular Phone Transmission Towers has to be done by the Health Department of the Union of India and the Government of Tamil Nadu and based on such study, measures may have to be taken. This Court neither has the expertise, nor the technical knowledge to assess the effects and/or ill-effects of the radiation, if any, caused by the installation of Cellular Phone Transmission Towers.

6. It is believed that not only erection of towers, but even excessive use of mobile phones has its own hazards. However, mobile phones seem to have become a part of life, where parents who can afford mobile phones, even provide children with mobile phones so that they can keep track of the children. Mobile phones are used by persons of every strata of society. Regretfully, we cannot but comment on our own inability to strictly enforce switching off of mobile phones even in the Court rooms and Court proceedings are often disturbed by ringing mobile phones. In these circumstances, we are not sure whether an order by the Court prohibiting erection of Mobile Phone Towers can be considered to be an order in public interest, though personally we may feel that restriction in use of mobile phones is imperative for reasons of health, reasons of concentration and may be even social and family harmony".

<https://hcservices.courts.tn.in/hcservices/> The said decision was taken note of and followed by the



Hon'ble First Bench of this Court in WP(MD) No.3182 of 2018, dated 05.04.2018. After taking note of the said decision, it was pointed out that it is for the concerned authorities to take necessary studies on the impact of erecting cell phone towers on health and environmental resources and to take such measures as might be deemed appropriate upon such study and the interference of this Court is not warranted.

5. In the light of the above order, the writ petition stands disposed of with similar observations made in W.P.(MD).No.3182 of 2018, dated 05.04.2018. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Ksa/pkn

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Commissioner,
Sivagangai Municipality,
Sivagangai.
3. The Tahsildhar,
Sivagangai Taluk,
Sivagangai District.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

+1 CC to M/s.SPL GP (SR-15642[F] dated 09/04/2021)

W.P.(MD) No.7576 of 2021
08.04.2021

GS (28.04.2021) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>