

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20672 of 2021

1. Ramjee Prasad Son of Vinay Kumar, Resident of Daldali Bazar, P.O.- Sahebganj, P.S. - Chapra, District - Saran at Chapra, Bihar - 841301.
2. Gautam Kumar, Son of Ramprit Sah, Resident of Daldali Bazar, P.O.- Sahebganj, P.S. - Chapra, District - Saran at Chapra, Bihar - 841301.
3. Amit Kumar, Son of Shambhu Prasad, Resident of Daldali Bazar, P.O.- Sahebganj, P.S. - Chapra, District - Saran at Chapra, Bihar - 841301.
4. Deepak Kumar Son of Jaleshwar Prasad, Resident of Daldali Bazar, P.O.- Sahebganj, P.S. - Chapra, District - Saran at Chapra, Bihar - 841301.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Communication, Sanchar Bhawan, 20 Ashoka Road, New Delhi - 110001.
2. The Telecom Secretary, Department of Telecommunication, Sanchar Bhawan, 20 Ashoka Road, New Delhi- 110001.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
5. Chapra Municipal Corporation through its Chairman, District Board Chapra, Gandhi Chowk, Darshan Nagar, Saran at Chapra, Bihar - 841301.
6. The Chairman, Chapra Municipal Corporation, District Board Chapra, Gandhi Chowk, Darshan Nagar, Saran at Chapra, Bihar - 841301.
7. The Executive Officer, Saran Municipal Corporation, Saran at Chapra, District Board Chapra, Gandhi Chowk, Darshan Nagar, Saran at Chapra, Bihar - 841301.
8. The District Magistrate, Saran at Chapra.
9. The Sub-Divisional Magistrate, Saran at Chapra.
10. The Circle Officer, Chapra Sadar, Saran.
11. The Reliance Projects and Property Management Services Ltd. A Company Registered under the Indian Companies Act having its registered 101, Saffron, NR Centre Point Panchwati 5 Rasta, Ambawadi Ahmadabad, Gujrat.
12. Prabhu Kumar, Son of Akshayvar Prasad, Resident of Daldali Bazar, P.O. - Sahebganj, P.S. - Chapra, District - Saran at Chapra, Bihar - 841301.
13. Dhruv Kumar Son of Akshayvar Prasad, Resident of Daldali Bazar, P.O. - Sahebganj, P.S. - Chapra, District - Saran at Chapra, Bihar - 841301.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Respondent/s : Mr. Dr. Krishna Nandan Singh, ASG



Mr. Kumar Priya Ranjan, CGC

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

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 07-01-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following
relief(s):-

- i. For issuance of an order, direction or writ in the nature of mandamus for directing the respondentsto frame Rules/ Regulations for regulating the installation of Mobile Towers and prohibiting such Towers from being installed in densely populated residential areas nearthe Hospitals or Schools so as to safeguard the fundamental right to health of the citizens of the State.
- ii. For issuance of an order, direction or a writ of *mandamus* or an appropriate writ for directing respondent State Authorities and the Municipal Authorities to take immediate steps to stop the erection of Reliance JIO Mobile Phone Tower on the 3rd floor of the building of Respondent Nos. 12 and 13 at Daldali Bazar, P.O. Sahebganj, P.S. Town, District- Saran at Chapra at the instance of the respondent no.11 in view of the fact that the aforesaid area is a densely populated residential area and the



emissions of radiations from the Mobile Phone Tower are very harmful and hazardous to the residents in the vicinity.

- iii. For issuance of an order, direction or appropriate writ prohibiting the respondents from erecting or installing the Reliance Jio Mobile Tower in the premises of Respondent nos. 12 and 13 situated at Daldali Bazar, P.O. Sahebganj, P.S. Town, District- Saran at Chapra at the instance of respondent no. 11, during the pendency of the present writ application.

Shri Kumar Priya Ranjan, learned counsel for the respondents states that the mechanism by way of guidelines for establishing the towers is already in place, and if the petitioner were to only approach the authorities, the same would be made available. Also, the same are otherwise readily available in the market as also the website.

In view of the same, learned counsel for the petitioners does not press the present petition reserving liberty to take appropriate action should the need so arise subsequently on the same and subsequent cause of action.

Petition stands disposed of as not pressed with the liberty aforesaid.



Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

