



WP No.9737 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.9737 of 2023

P.Uthayakumar

... Petitioner

versus

1.The District Collector,
Tiruvallur District, Tiruvallur

2.The Tahsildar
Avadi, Tiruvallur District

3.M/s Reliance Jio Infocom Limited
Having the Circle Office at A1
Tower, 8th Floor
B9-90 Dr. Radhakrishnan Salai
Mylapore, Chennai 600 004

4.Karthikesan

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing respondent No.1 from granting permission for the proposed installation of a Cell Phone Tower in Poorani Nagar, Morai Village, Tiruvallur District 600 055 without first holding a public hearing in accordance with law.



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For the Petitioner : Mr.M.Radhakrishnan
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
for respondents 1 to 2

Ms.Aparajitha Viswanath,
for the third respondent

ORDER

(Made by the Hon'ble Acting Chief Justice)

Mr.P.Uthayakumar, a resident of Poorani Nagar, Morai Village, Tiruvallur District, has filed this writ petition, styled as a 'public interest litigation', seeking a writ of mandamus forbearing the first respondent from granting permission for the proposed installation of a cell phone tower in Poorani Nagar, Morai Village, Tiruvallur District.

2. Mr.M.Radhakrishnan, learned counsel for the petitioner in support of his submission, drew our attention to the order dated 12.10.2022 passed by this Bench in WP No.26490 of 2022, filed by the writ petitioner, and submitted that this Court has given a direction in paragraph no.3 that if any one comes forward seeking permission to erect any cell phone tower, the objections, if any made before the District Collector would be considered after holding a



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public hearing. According to the learned counsel, the said direction has not been complied with in its letter and spirit. Therefore, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submitted that installation of a cell phone tower would cause health hazards to the public in general and elders and children in particular. Cell phone towers emit high level radiation, which is harmful for all the living beings. Therefore, it is the obligation of the first respondent District Collector to hold a public hearing before granting permission for installation of a cell phone tower. Therefore, a direction should be given for implementing the order of this Court, and hold a public meeting. Referring to the communication dated 05.12.2022, learned counsel submitted that it was only with regard to peace committee meeting to be held on 07.12.2022 and there was no public hearing.

4. Mr.P.Muthukumar, learned State Government Pleader appearing for respondents 1 and 2, placed before us written instructions dated 08.12.2022 and submitted that the direction given by this court has been duly complied with and after giving notice, all



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the stakeholders were invited for a public hearing. But the Tahsildar in the letter dated 05.12.2022 has not properly worded the meeting and instead of 'public hearing', he has mentioned it as 'peace committee meeting'. Although it was termed as 'peace committee meeting', anyone could take part in the meeting and express his/her opinion in a free and fair manner. He also submitted that when such a meeting was arranged, the petitioner cannot complain of non-compliance of the order of this Court.

5. We find from the written instructions placed before us by learned Government Pleader that the direction of this court has been fully complied with. Therefore, the writ petition fails and the same is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
31.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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To
WEB COPY

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Tiruvallur District,
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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

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