



W.P.No.21549 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.21549 of 2023

K.Selvam

.. Petitioner

Vs.

1. The Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road
New Delhi 110 001.
2. The District Collector
Villupuram District
Villupuram.
3. M/s. Tower Vision India Private Limited
No.28/2B, AMG Tower, 2nd Floor
Lawyer Jagannathan Street
Alandhur
Chennai 600 016.
4. The Revenue Divisional Officer
Villupuram Sub Division
Villupuram District.



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5. Shankar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 4 to consider the representation dated 2702.2023 and subsequently direct the third respondent not to install the cell phone towers on the residential building in the Thiruvalluvar Nagar, Amutha Lay Out, APS Nagar, Shiradi Sai Nagar, Deiva Nagar, Janagaraj Garden Extension Nagar, Virattikupam Road, Villupuram without following the guidelines prescribed by the Department of Telecommunication, which emits cancer causing radiation to the nearby residents.

For the Petitioner : Mr.G.Dillikumar

For the Respondents : Mr.K.Gangatharan
Central Govt. Standing Counsel
for Respondent-1

Mr.P.Muthukumar
State Government Pleader
for Respondents 2 & 4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.G.Dillikumar, learned counsel for the petitioner, Mr.K.Gangatharan, learned Central Government Standing



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Counsel for the first respondent and Mr.P.Muthukumar, learned State Government Pleader for the respondents 2 and 4.

2. The petitioner seeks an injunction against the respondents 1 to 4 from installing cell phone tower in Thiruvalluvar Nagar, Amutha Lay Out, APS Nagar, Shiradi Sai Nagar, Deiva Nagar, Janagaraj Garden Extension Nagar, Virattikupam Road, Villupuram.

3. Learned counsel for the petitioner submits that the residents of the said locality have opposed the erection of mobile tower on the ground that cancerous elements that are present in electromagnetic radiations are straightaway lethal for health and it would affect the health of many senior citizens and children.

4. Upon being asked, learned counsel for the petitioner accepts that permission has been granted for the erection of tower in the said place. In that event, the request of the petitioner cannot be considered.



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5. The issue is covered under the judgment of the Division Bench of this Court in **N.Venkatachalam v. District Collector** [W.P.No.25094 of 2019 dated 29.08.2019]. It has been held that there cannot be a mandamus restraining the authority from exercising his duties and determining whether permission should be granted or not. Permission has to be granted subject to the fulfillment of conditions enumerated therein.

6. In the light of the above, the writ petition stands dismissed. There will be no order as to costs. Consequently, W.M.P.No.20924 of 2023 is also dismissed.

(S.V.G., CJ.)

(P.D.A., J.)

24.07.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

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