



W.P.(MD).No.22644 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.22644 of 2021
and
W.M.P.(MD).No.19141 of 2021**

K.Manickam

... Petitioner

Vs.

1.The Deputy Wireless Advisor (SACFA),
Wireless Planning & Co-ordination Wing,
Ministry of Communication and Information Technology,
Department of Telecommunication,
6th Floor, Sanchar Bhavan,
No.20, Ashokka Road,
New Delhi – 110 001.

2.The District Collector,
Thanjavur District,
Collectorate, Thanjavur.

3.The Executive Engineer,
TANGEDCO (O&M),
No.1, Vallam Road, Thanjavur.

4.The Assistant Engineer,
TANGEDCO,
West Urban, Rajaji Road,
E.B.Colony, Thanjavur.

5.The Reliance Jio Telecom Limited,
A-1 Towers, No.89-91, Dr.Radha Krishnan Salai,
Mylapore,
Chennai – 600 004.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 3 and 4 from providing electricity connection to the fifth respondent cell phone Transmission Tower at R.S.No.119/7 and 8A1, Plot No.1 and 2, Soosai Nagar, 80, Nanji Kottai Village and Taluk, Thanjavur District.

For Petitioner : Mr.M.Saravana Kumar

For R-1 : Mr.G.Rajaraman,
Central Government Standing Counsel.

For R-2 : Mr.J.John Rajadurai,
Government Advocate.

For R-3 and R-4 : Mr.S.Deenadhayalan,
Standing Counsel.

For R-5 : Mr.R.Parthiban

ORDER

This Writ Petition is filed for Mandamus forbearing the respondents 3 and 4 from providing electricity connection to the fifth respondent Cell Phone Transmission Tower at R.S.No.119/7 and 8A1, Plot No.1 and 2, Soosai Nagar, 80, Nanji Kottai Village and Taluk, Thanjavur District. At the time of admission, this Court has granted an order of interim injunction.

2. The petitioner has submitted that the cell phone tower is erected near

his residential house and it will affect the health of the persons in and around



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the tower and hence the petitioner prayed to forbear the respondents from granting electricity connection.

3. The issue of health hazards by cell phone tower is already settled by the Division Bench of this Court in W.P.(MD)Nos.15974 of 2017 batch dated 29.08.2019. The relevant portion is extracted hereunder:

12.13. In view of the specific stand taken by the Department of Telecommunication and the reports of WHO, there are no materials on record to confirm the existence of any health hazard from exposure to low level electromagnetic field and as stated by the three earlier orders of the different Division Benches of this Court, this Court cannot dwell into those aspects as an expert. Thus, issue No.1 is answered accordingly.

4. Therefore, following the aforesaid judgment, this Court is not inclined to entertain this Writ Petition. Hence, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

20.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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