



W.P.(MD)No.26956 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.26956 of 2024

and

W.M.P.(MD)No.22833 of 2024

V.Manoharan

... Petitioner

Vs

- 1.The Secretary,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi 110 001
- 2.The Joint Secretary (P & A),
Ministry of Information and Broadcasting,
Room No. 552, A Wing Shastri Bhawan,
New Delhi-110 001
- 3.The District Collector,
Office of Collectorate,
Virudhunagar
- 4.The Revenue Divisional Officer,
Aruppukottai Revenue Division,
Virudhunagar District.



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5.The Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

6.The Commissioner,
Aruppukottai Municipality,
Aruppukottai,
Virudhunagar District.

7. Indus Tower Limited ESPEE IT Park,
5 (N.P), 5th Floor, Jawaharlal Nehru Road,
Ekkaduthangal,
Chennai 600 032.

8.T.Selvam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to check the operation of proposed put up the cell phone tower by the 7th respondent at land belongs to 8th respondent in Town Survey No. 19, Land measuring about 0.00079.5 Sq. ft comprised in Town Survey No. 19, Black No. 7, Town Survey Ward No. 1, Situated in Ramanuja Kooda Street, Chinnapulampatti, Aruppukottai Municipality, Virudhunagar District at once based on basis of the petitioner's representation dated 05.11.2024.

For Petitioner : Mr.P.Ganapathi Subramanian
For R1 to R6 : Mr.P.Thilak Kumar
Additional Government Pleader



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For R7

: Mr.M.Ponnaiah

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

The apprehension of the petitioner is that the erection of cell phone tower of the seventh respondent in the land belonging to the eighth respondent, would cause health hazards to the general public and hence, he had given a representation in this regard to the concerned authorities on 05.11.2024, followed by filing this writ petition.

2.The apprehension of the petitioner had already been addressed by the coordinate Bench of this Court in the case of ***K.R.Ramaswamy @ Traffic Ramaswamy vs. The Secretary, Department of Telecommunications etc., in W.P.No.24976 of 2008 etc., batch, dated 05.03.2015***, whereby it was held that there was no collusive material proof to substantiate that the signals emanated from the cellphone towers would cause health hazard and in the absence of the same, the apprehension of this nature cannot be legally sustained. In light of the



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decision of the coordinate Bench of this Court, the grievance of the petitioner does not require consideration.

3. Accordingly, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[M.S.R.,J] [A.D.M.C.,J]
18.11.2024

NCC : Yes/No
Index : Yes/No
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To

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4. The Revenue Divisional Officer,
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**M.S.RAMESH,J
AND
A.D.MARIA CLETE, J.**

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ORDER IN
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