



2024:DHC:7076-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 12822/2024 & CM APPL. 53469/2024****ADITYA SINGH**

.....Petitioner

Through: **Mr. Abhay Kumar Mishra and Mr.
Ankit Aggarwal, Advocates**

versus

MUNICIPAL CORPORATION OF DELHI & ORS.....RespondentsThrough: **Mr. Siddhant Nath, Proxy Advocate
for Ms. Shilpa Ohri, ASC and Mr.
Bhavishya Makhija, Advocates for R-
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Mr. Tushar Sannu and Mr. Sahaj
Karan Singh, Advocates for R-3 and 4**

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Date of Decision: 13th September, 2024**CORAM:****HON'BLE THE ACTING CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****MANMOHAN, ACJ : (ORAL)**

1. Present public interest petition has been filed seeking issuance of directions to respondent No.1/Municipal Corporation of Delhi ("MCD") to cancel the permission letter dated 24th April, 2024, whereby respondent no.2 has been authorized to install a Communication Ground-Based Monopole (GBM) near Sudhar Camp, Block-E, Kalkaji, Outside DUSIB Basti, Central Zone, Delhi ("subject area").

2. Learned counsel for the petitioner states that on 10th February, 2024, respondent no.2/M/s Nettel Infrastructure Pvt. Ltd. made an application to

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W.P.(C) 12822/2024

Page 1 of 4



MCD seeking permission to set up GBM. He states that on 1st April, 2024, letter of intent was issued by the office of Deputy Commissioner of MCD. Thereafter, on 24th April, 2024, permission was granted to respondent no.2 to operate GBM in the subject area.

3. He states that when respondent no. 2 attempted to carry out the work of installation on 26th April, 2024, the local residents of the subject area opposed the installation of GBM. He states that on 6th May, 2024, Welfare Association E-Block, Kalkaji, New Delhi, made an application to the Deputy Commissioner SDMC, against the installation of GBM in the residential area. He states that installation of a mobile tower in a residential area is detrimental to health as the radiation emitted there from would cause health hazards to the residents of the vicinity. He states that prolonged exposure to electromagnetic fields from these towers has been linked to a range of health issues, including cancer, joint pains, depression, altered reflexes, fatigue, dizziness etc.

4. He states that as per clause 19 of the permission letter dated 24th April, 2024, the infrastructure provider-I (IP-I) is required to follow all relevant guidelines from the Department of Telecom, TRAI, and other regulatory bodies, and to adhere to the guidelines specified in the permission letter. However, according to him, the respondent no.2 has failed to comply with these laws as respondent no.2 has not obtained permissions from the fire safety department as mandated by the regulations of the Delhi Fire Department.

5. He also states that as per clause 20 of the permission letter, GBMs have to be positioned in a manner that it does not disrupt public movement and is preferably away from sensitive areas such as schools, hospitals, and



high-traffic zones. However, according to him, in this permission, the above site is near MCD School, MCD Poornima Sethi Hospital, Shubham Hopital, Senior citizen club, Laxmi Narayan temple, Lal Sai temple, Anganbadi, Hanuman Mandir, Sh. Murgan Temple etc.

6. *Per contra*, learned counsel for the MCD states that a writ petition filed by the Welfare Association E-Block seeking cancellation of the permission letter dated 24th April, 2024 authorizing the respondent no.2 to install a GBM has already been dismissed by the learned Single Judge vide order dated 30th July, 2024.

7. Having heard learned counsel for the parties, this Court finds that the MCD has already granted permission to the respondent no.2 to install the GBM. The writ petition challenging the said permission has been dismissed by a learned Single Judge of this Court vide order dated 30th July, 2024. Further, a writ petition bearing no. W.P.(C) 9663/2024 filed by respondent no. 2 seeking police assistance for installing GBM at subject area has already been allowed by the learned Single Judge of this Court vide order dated 16th July, 2024. Consequently, this Court is of the view that clause 19 has no application at this stage.

8. A learned Single Judge of this Court in ***Kapil Choudhary & Anr. v. Union of India [2016 SCC Online Del 2558]*** has also held that there is no scientific data to show that installation of mobile towers and the emission of the waves by the said towers is in any way harmful for the health of citizens. In the said judgment it was held that there is no conclusive data to the said effect.

9. Also, clause 20 of the permission letter provides that installation of GBM and its operation shall be such that it should not disturb the free



2024:DHC:7076-DB



movement of traffic/public and shall preferably be away from the school/hospital and places where heavy traffic and public movement is being done. Clause 20 nowhere states that GBM cannot be installed close to any school/hospital whatever.

10. Consequently, the present petition being bereft of merit is dismissed.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

SEPTEMBER 13, 2024

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W.P.(C) 12822/2024

Page 4 of 4