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W.P.No. 3836 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No. 3836 of 2025
and W.M.P.Nos.4247 & 4248 of 2025

SAROJINI

... Petitioner

Vs

1. THE DISTRICT COLLECTOR
COIMBATORE DISTRICT,
COIMBATORE.
2. KRISHNAN
3. JOTHI
4. THE MANAGER
AIRTEL TOWER CONSTRUCTION COMPANY,
NO.112 B, CHERAN NAGAR,
JANSON INSTITUTE OF TECHNOLOGY ROAD,
KARUMATHAMPATTY,
COIMBATORE - 641 659.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to forbear the fourth respondent from erecting a huge cell phone tower in the on southern side of the residential plot in D.No. X 281, North Housing unit, Selvapuram, Coimbatore- 641026 by considering the petitioner's representation dated 16.12.2024.



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For Petitioner : Mr.R.Venkatesh
For R1 : Mr.K.Suresh
Government Advocate

ORDER

This writ petition is filed for a writ of mandamus directing the first respondent to forbear the fourth respondents from erecting a huge cell phone tower on the southern side of the residential plot in D.No. X 281, North Housing Unit, Selvapuram, Coimbatore - 641 026.

2. It is the contention of the petitioner that the cell phone tower is hazardous to the health and there is even Anganwadi and small children who will be affected. It is his further contention that the second and third respondents are the landlords, who have given permission for the installation of the cell phone tower.



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3. If the second and third respondents are the owners of the premises and they have given their premises for erection of the cell phone tower, then this Court cannot interfere with the erection of the cell phone tower. It has already been held in the following judgments that there is no scientific evidence to suggest that the cell phone tower affects the health in any manner whatsoever:-

1. ***Indus Towers Ltd. v. Grampanchayat***, 2023 SCC OnLine Bom 1472 [Bombay HC – 2J]
2. ***Biju K. Balan v. State of Maharashtra***, 2019 SCC OnLine Bom 97 [Bombay HC – 2J]
3. ***G. Sathyanarayana Moorthy v. Union of India***, 2016 SCC OnLine Mad 20769 [Madras HC – 1J]

4. Therefore, the contentions made by the petitioner on this core issue are without any merits. The only other contention made is that the cell phone tower is now sought to be erected in a Government Poramboku land. The second and third respondents can enter into an agreement with the fourth respondent to erect the tower, if only the place belongs to them. Therefore, to the limited extent, the first respondent may direct the local surveyor and the



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Village Administrative Officer to check whether the tower is being installed on Government Poramboku land and ensure that it is not installed on such land without the necessary permission.

5. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.02.2025

Neutral Citation: Yes

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D.BHARATHA CHAKRAVARTHY, J.

nsI

To
THE DISTRICT COLLECTOR
COIMBATORE DISTRICT,
COIMBATORE.

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