

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (PIL) No. 117 of 2013

Residents of Melville Compound. Petitioner

Versus

Union of India & others. Respondents

Mr. Alok Dalakoti, Advocate for the petitioner.

Mr. B.P.S. Mer, Standing Counsel (Central Govt.) for respondent Nos. 1 to 3.

Mr. Vinay Kumar, Standing Counsel for the State of Uttarakhand / respondent Nos. 4, 6 & 7.

Mr. Sandeep Kothari, Advocate for respondent No. 5.

Ms. Joyce Irwin, Advocate, holding brief of Mr. D.S. Patni, Advocate for respondent No. 8.

Mr. Pankaj Miglani, Advocate for respondent No. 9.

JUDGMENT

Coram: Hon'ble Barin Ghosh, C.J.

Hon'ble Servesh Kumar Gupta, J.

BARIN GHOSH, C. J. (Oral)

We are not inclined to entertain this writ petition although no counter affidavit thereto has been filed by any of the respondents despite opportunities given to them to file counter affidavits.

2. It is being contended in the writ petition that the radiation emanating from mobile towers at the place, where they are installed, is much higher than other places. That may be so, but, despite that, through a national policy, mobiles have been permitted. In order to make mobiles workable, mobile towers are essential. It has been contended that, in the instant case, a particular mobile tower has been installed at a residential place. Mobile connectivity in the residential place is of utmost importance. If mobile towers are removed from residential areas, people residing in the area will have no mobile connectivity. In the event, any order is passed on this writ petition, the same would tantamount to a

direction for closure of mobile connectivity contrary to the national policy and we do not think that the same will be appropriate on our part to do.

3. We, accordingly, dismiss the writ petition.

(Serves Kumar Gupta, J.)
29.11.2013

(Barin Ghosh, C. J.)
29.11.2013

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