

**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI**

**Application No.46 of 2013 (SZ)**

**IN THE MATTER OF:**

Dhayalam Charitable Society  
Registration No.97/05  
Rep. by its President T. Gopi  
@ Gopalakrishnan  
No.3/65, Lake View Street  
Indian Bank Colony  
Narayanapuram  
Madurai-625 014

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Applicant(s)

**AND**

1. Union of India  
Ministry of Communication and Information  
Technology  
Rep. by its Secretary  
Electronics Niketan  
6, CGO Complex  
Lodhi Road  
New Delhi.110 003
2. Union of India  
Ministry of Environment Protection & Pollution Control  
Paryavaran Bhavan  
CGO Complex, Lodhi Road  
New Delhi.110 003
3. The Telecom Regulatory Authority of India  
(TRAI)  
Rep. by its Chairman  
Mahanagar Doorsamchar Bhavan  
Next to Zakir Hussain College  
Jawaharlal Nehru Marg  
Old Minto Road  
New Delhi.110 002.
4. The State of Tamil Nadu  
Rep. by its Secretary  
Department of Environment and Forests – EC  
For St. George, Chennai.600 009
5. Tamil Nadu State Pollution Control Board  
Rep. by its Member Secretary  
Chennai, Tamil Nadu.

6. The District Collector  
Madurai District  
Madurai

7. The District Environmental Engineer  
Tamil Nadu State Pollution Control Board  
Madurai District.

8. The President  
Naganakulam Village Panchayat  
Madurai South Taluk  
Madurai District

9. The managing Director  
TATA Tele Services Limited  
2<sup>nd</sup> Floor, M.T. Rajen Properties  
No.40, Bazzullaha Road  
T'Nagar, Chennai-600 017



.... Respondents

**Counsel appearing for the Applicant:**

**M/s. S. Subbiah  
Ms.Jssi Jeeva Priya**

**Counsel appearing for the Respondents:**

**Mr. C.V. Ramachandra Murthy for R-1  
Smt. S. Seethalakshmi for R-2  
Mr. M. Devendran for R-3  
Mr. M.K. Subramanian and P. Velumani for R-4 and R-6  
Smt. H.Yasmeen Ali for R-5 and R-7  
M/s. Abdul Saleem  
Mr. S. Saravanan and Mrs. Vidhyalakshmi for R-8**

**Application No.235 of 2013 (SZ)**

Malarvizhi  
W/o. Benzigar  
No.315/2, South Cotton Road  
Tuticorin

.... Applicant(s)

**AND**

1. Mr. I. Aswalt  
C/o. Jeyaseelan  
No.103, A.J. Cottage  
Parvar Street, Korkai  
Srivaikuntam Taluk  
Tuticorin District
2. M/s. Indus Tower Ltd  
No.1045, 3<sup>rd</sup> Floor  
Avinashi Road  
Coimbatore
3. M/s. Bharti Airtel  
Rep. by its Managing Director  
Bharti Crescent  
Nelson Mandela Road  
Vasant Kunj, Phase II  
New Delhi.110 070
4. The General Manager  
Tuticorin Circle/Zone  
B.S.N.L., Tuticorin
5. The District Collector  
District Collectorate, Tuticorin
6. The Secretary  
Ministry of Environment and Forests  
Govt. of India  
Paryavaran Bhawan  
CGO Complex, Lodi Road  
New Delhi.100 003

.... Respondents

**Counsel appearing for the Applicant:**

**M/s. Ravi Ananda Padmanabhan  
Mr. M. Purushothaman**

**Counsel appearing for the Respondents:**

**Mr. K.S. Sankar Murai and  
Mr. T.N. Karathikeyan for R-1 to R-3  
Mr. K.R. Ramesh Kumar for R-4  
Mr. M.K. Subramanian and P. Velumani for R-5  
Smt. C. Sangamithrai for R-6**

**Application No.316 of 2013 (SZ)**

A.Chidambaram  
S/o. Adaikalam  
Old No.1/200, New No.2008  
Subramania Nagar 2<sup>nd</sup> Street  
Machuvadi Post  
Pudukkottai.622 004

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Applicant(s)

AND

1. V. Rajendran  
S/o. Venkatachalam  
Old No.1/199 New No. 2007  
Subramania Nagar 2<sup>nd</sup> Street  
Machuvadi Post  
Pudukkottai.622 004
2. M/s. Reliance Jio Infocomm Ltd  
III Floor, Makers Chambers IV  
222, Nariman Point, Mumbai.400 021
3. M/s. Reliance Communications **Ltd**  
Registered Office, H. Block 1<sup>st</sup> floor  
Dhirubhai Ambani Knowledge City  
Navi Mumbai.400 701

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Respondents

**Counsel appearing for the Applicant:**

**M/s.Manoharan and  
Mr. S. Dakshinamoorthy**

**Counsel appearing for the Respondents:**

**Mr. M. Rajenran fo R-1  
Mr. V.J. Arul Raj  
Mr. Siva Rajasekaran for R-2  
M/s. Reliance Communication Ltd for R-3**

**Application No.5 of 2014 (SZ)**

N. Lakshmi Narasimhan  
S/o. B. Nalla Gounder  
No.5, Murugan Nagar  
Raman Nagar Post  
Mettur Dam, Salem District

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Applicant(s)

**AND**

1. The Chairman  
Tamil Nadu State Pollution Control Board  
Guindy, Chennai.
2. The District Environmental Engineer  
Tamil Nadu State Pollution Control Board  
Salem District, Salem
3. The District Collector  
District Collectorate  
Salem District
4. Union of India  
Ministry of Communication and  
Information Technology  
Department of Telecommunication  
(Wireless Planning & Co-ordination Wing)  
6<sup>th</sup> Floor, Sanchar Bhavan  
20, Ashoka Road  
New Delhi.110 001
5. The Executive Engineer  
Department of Telecommunications  
Telecom Building  
No.2, Bharathi Part Road – II  
Coimbatore.641 043
6. The Executive Officer  
Veerakalapudhdur Town Panchyat  
Mettur Dam  
Salem District
7. Reliance Communications Limited  
A Block, II Floor  
DAKC, Kopar Khairane  
Navi Mumbai.400 710

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Respondents

**Counsel appearing for the Applicant:**

**M/s. Jayaprakash &  
Mr. Vanangamudi**

**Counsel appearing for the Respondents:**

**Smt. H.Yasmeen Ali for R-1 & R-2**

**Mr. M.K. Subramanian and P. Velumani for R-3**

**M/s. Abdul Saleem**

**Mr. S. Saravanan and Mrs. Vidhyalakshmi for R-6**

**Application No.139 of 2014 (SZ)  
and  
M.A. No.260 of 2015**

A.S. Ganapathy  
S/o. K. Sivanu Nadar  
49-B, Surya Avenue  
Chrompet  
Chennai-44

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**Applicant(s)**

**AND**

1. Union of India  
Ministry of Communication and Information  
Technology  
Rep. by its Secretary  
Electronics Niketan  
6, CGO Complex  
Lodhi Road  
New Delhi.110 003
2. Union of India  
Ministry of Environment Protection & Pollution Control  
Paryavaran Bhavan  
CGO Complex, Lodhi Road  
New Delhi.110 003

3. The Telecom Regulatory Authority of India  
(TRAI)  
Rep. by its Chairman  
Mahanagar Doorsanchar Bhavan  
Next to Zakir Hussain College  
Old Minto Road  
New Delhi.110 002

4. The State of Tamil Nadu  
Rep. by its Secretary  
Department of Environment and Forests – EC  
For St. George, Chennai.600 009

5. Tamil Nadu State Pollution Control Board  
Rep. by its Member Secretary  
Chennai, Tamil Nadu.

6. The Commissioner  
Pallavaram Municipality  
Pallavaram  
Chennai.6 00 043

7. Reliance Communication Ltd  
Circle Office, A-1, Tower, 8<sup>th</sup> Floor  
80-90, Dr. Radhakrishnan Salai  
Mylapore, Chennai.600 004.

8. R.M. Manivannan  
S/o. R.M. Muthu  
Ground Floor  
Plot No.49-A, Surya Avenue  
Chrompet  
Chennai.600 044

9. K. Vijaayasamundeeswari  
w/o. R.M. Kumaravel  
First Floor  
Plot No.49-A, Surya Avenue  
Chrompet  
Chennai.600 044

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Respondents

**Counsel appearing for the Applicant:**

**M/s. K. Chairman Selvaraj and  
Mr. K.C. Mathan Raj**

**Counsel appearing for the Respondents:**

**Shri Su. Srinivan for R-1 and R-3**

**Mrs. C. Sangamithrai for R-2**

**Mr. M.K. Subramanian and P. Velumani for R-4**

**Smt. H.Yasmeen Ali for R-5**

**Mr. P. Srinivas for R-6**

**M/s.V.J. Arul Raj**

**Mr. Siva Rajasekaran &**

**Mr. T. N. Karthikeyan for R-7 to R-9**

**Application No.174 of 2014 (SZ)**

Pugazhendhi

S/o. Late Ekambaram

No.7/4, Gangaianman Koil Streeta

Vadapalani

Chennai.600 026

... Applicant(s)

**AND**

1.The Chairman

Tamil Nadu State Pollution Control Board

Guindy

Chennai.

2.The District Environmental Engineer

Tamil Nadu State Pollution Control Board

No.950/1, Poonnamallee High Road

Arumbakkam, Chennai.600 106.

3. Union of India

Ministry of Communication and

Information Technology

Department of Telecommunication

(Wireless Planning & Co-ordination Wing)

6<sup>th</sup> Floor, Sanchar Bhavan

20, Ashoka Road

New Delhi.110 001

4. The Commissioner

Corporation of Chennai

Ripon Building

Chennai.

5. The Member Secretary  
Chennai Metropolitan Development Authority  
Gandhi Irwin Road  
Egmore, Chennai

6. Aircel Cellular Ltd  
No.769, Spencer Plaza  
5<sup>th</sup> Floor, Mount Road  
Chennai.600 002.

7. Mani  
S/o. Veeranadra Achari  
No.6/5, Gangai Amman Koil Street  
Vadapalani  
Chennai.600 026

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Respondents

**Counsel appearing for the Applicant:** मेव जयते

**M/s. Jayaprakash  
Mr. Vanangamudi  
L. Kalaivani**

**Counsel appearing for the Respondents:  
Smt. H.Yasmeen Ali for R-1 and R-2  
Mr. R. Surya Prakash for R-4  
Mr. Raja Srinivas for R-5**

**Application No.219 of 2014 (SZ)**

D. Bala Murali Krishna  
S/o V. Duraisamy  
No.207, Nehru Nagar  
Mettur Dam  
Salem District

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Applicant(s)

**AND**

1.The Chairman  
Tamil Nadu State Pollution Control Board  
Guindy, Chennai.

2. The District Environmental Engineer  
Tamil Nadu State Pollution Control Board  
Salem District, Salem

3. The District Collector  
District Collectorate  
Salem District

4. Union of India  
Ministry of Communication and  
Information Technology  
Department of Telecommunication  
(Wireless Planning & Co-ordination Wing)  
6<sup>th</sup> Floor, Sanchar Bhavan  
20, Ashoka Road  
New Delhi.110 001

5. The Executive Engineer  
Department of Telecommunications  
Telecom Building  
No.2, Bharathi Part Road – II  
Coimbatore.641 043

6. The Executive Officer  
P.N. Patti Panchyat  
Mettur Dam  
Salem District

7. Sukumar  
Sri Venkateswara Constructions  
No.92/11,  
TMP, Nagar  
Mettur Dam  
Salem District.

8. Reliance Communications Limited  
A Block, II Floor  
DAKC, Kopar Khairane  
Navi Mumbai.400 710

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Respondents

**Counsel appearing for the Applicant:**

**M/s. Jayaprakash  
Mr. Vanangamudi  
L. Kalaivani**

**Counsel appearing for the Respondents:**

**Smt. H.Yasmeen Ali for R-1 and R-2**

**M/s.M.K. Subramanian and**

**Mr. P. Velumani for R-3**

**Mr. Balaji for R-4 and R-5**

**M/s. S. Hemanth**

**Mr. J. Karunanithi**

**Mr. Shumugavelayutham for R-6**

**Application No.19 of 2015 (SZ)**

**IN THE MATTER OF:**

1. D. Arumugam

S/o. Arjuna Pillai

No.4, Kavdikarantheru

Karantttankudui

Thanjavur

2. M. Selvaraj

S/o. Mehanathan

1145, Ardiyapillai Agraharam

Valayalkara Street

Karantttankudi

Thanjavur

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Applicant(s)

**AND**

1. Ayyamani @ Gunasekaran

Valayalkara Andiyapalli Agraharam

Karantttankudi, Thanjavur

2. The Reliance Company

Rep. by its Branch Manager

VOC Nagar, Thanjavur

3. The Chairman & Managing Director

TANGEDO

Tamil Nadu Electricity Board

Chennai.600 002

4. Department of Telecommunication

Ministry of Communication and

Information Technology

No.20, Sanchar Bhavan, New Delhi

5. Union of India  
Ministry of Environment and Forests  
Rep. by its Secretary  
CGO Complex, Lodhi Road  
New Delhi.110 003.

6. The Chairman  
Tamil Nadu Pollution Control Board  
76, Mount Road  
Guindy, Chennai.600 032

7. The District Environmental Engineer  
Tamil Nadu State Pollution Control Board  
Door No.3, 4<sup>th</sup> Cross Street  
Sri Ram Nagar  
Reddipalayam Road  
Chanjavur.613 004

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Respondents

**Counsel appearing for the Applicant:**

**M/s.TaauRs Associates**  
**Mr. Kamalesh Kannan**  
**Mr. Subramanian**  
**Mr. Sai Sathya Jith**

**Counsel appearing for the Respondents:**

**Mr. Siva Rajasekaran for R-1 and R-2**  
**Mr. Gnanasekaran for R-3**  
**Mr. K. Ramana Moorthy for R-4**  
**Mrs. M.E. Sarashwathy for R-5**  
**Mrs. H. Yasmeen Ali for R-6 and R-7**

**Application No.127 of 2015 (SZ)**

R. Devaraj  
S/o raman  
No.53, Ponna Muthu Street  
Singarathoppu  
Cuddalore Port-607 003  
Tamil Nadu

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Applicant(s)

**AND**

1. The Secretary  
Ministry of Environment , Forest and Climate Change  
Indira Paryavaran Bhavan  
Jor Bagh Road, new Delhi.110 003.
2. The Telecom Regulatory Authority of India  
(TRAI)  
Rep. by its Chairman  
Mahanagar Doorsanchar Bhavan  
Next to Zakir Hussain College  
Old Minto Road  
New Delhi.110 002
3. The Member Secretary  
National Coastal Regulation Zone Authority  
Ministry of Environment, Forest and Climate Change  
Indira Paryavaran Bhavan  
Jor Bagh Road  
New Delhi.110 003
4. The Secretary  
Environment and Forest  
Government of Tamil Nadu  
Secretariat, Chennai.600 032
5. The Member Secretary  
Tamil Nadu State Pollution Control Board  
No.76, Mount Road  
Guindy, Chennai-600 032.
6. The Chairman  
State Coastal Regulation Zone Authority  
O/o. the Environment Department  
Panagal Building  
Saidapet, Chennai.
7. The Managing Director  
Tamil Nadu Maritime Board  
No.171, South Keswaperumalpuram  
Greenways Road  
Raja Annamalaipuram  
Chennai.600 028
8. The Collector and Chairman  
District Coastal Zone Authority  
Cuddalore District  
Cuddalore.607 001
9. The District Environmental Engineer  
Tamil Nadu State Pollution Control Board  
Plot No.A-3, SIPCOT Industrial Complex  
Kudikadu, Cuddalore.607 005.

10. Gangai Amman Koil  
Rep. by its President Mr. V. Govindaraj  
S/o. Veeramauthu  
Ponna Muthu Street  
Singarathope  
Cuddalore- 607 003

11. Vellarimman Koil  
Rep. by its President Mr. V. Govindaraj  
S/o. Veeramauthu  
Ponna Muthu Street  
Singarathope  
Cuddalore- 607 003

12. Reliance Jio Infocomm Ltd  
Registered Office at 3<sup>rd</sup> Floor  
Maker Chambers IV  
222, Nariman Point  
Mumbai.400 021  
Regional Office No.9, 1<sup>st</sup> Block  
4<sup>th</sup> Cross Street  
Anna Nagar, Nellithope  
Puducherry- 605 005

.... Respondents

**Counsel appearing for the Applicant:**

**M/s.R. Gururaj  
Mr. M. Sudarshan**

**Counsel appearing for the Respondents:**

**Mrs. M.E. Sarashwathy for R-1 and R-3  
Mr. Devendran for R-2  
Mr. M.K. Subramanian  
Mr. P. Velumani for R-4, R-6 and R-8  
Mrs. H. Yasmeen Ali for R-5, R-7 and R-9  
President, Gangai Amman Kovil for R-10  
M. V. Govindaraj, President, Vellari Amman Kovil for R-11  
Mr. Arul Raj and  
Mr. Siva Rajasekaran for R-12**

**Application No.135 of 2015 (SZ)**

Thiyagaraja Nagar Nalasangam  
Rep. by its President  
Mr. K. Radhakrishnan  
Mannai Salai  
Vilamal-610 004  
Thiruvavarur District

... Applicant(s)

**AND**

1.The District Collector  
Tiruvarur District  
Tiruvarur

2.The Prsident  
Vilamal Village Panchayat  
Tiruvarur Panchyat Union  
Tiruvarur District

3.Mrs. Nirmala  
W/o B. Rajasekaran  
Plot No.76  
No.3/229, T. Nagar  
Tiruvarur

4.M/s. Haima  
2B, 2<sup>nd</sup> Floor, Kanaga Ranga Square  
Alwarpet, Chennai.600 018

....

Respondent

**Counsel appearing for the Applicant:**

**M/s.V. Sudhakar  
Mr. K.S. Viswanathan  
Mrs. Kavitha**

**Counsel appearing for the Respondents:**

**M/s. M.K. Subramanian and  
Mr. P. Velumani for R-1  
Vilamal Village Panchayat for R-2  
Ms. S.P. Arthi for R-3 and R-4**

**ORDER**

**PRESENT:**

**HON'BLE SHRI JUSTICE M. CHOCKALINGAM, JUDICIAL MEMBER**

**HON'BLE SHRI P.S. RAO, EXPERT MEMBER**

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**Dated: 5<sup>th</sup> February, 2016**

Whether the Judgement is allowed to be published on the Internet – Yes/No  
Whether the Judgement is to be published in the All India NGT Reporter – Yes/No

Heard the counsel for the parties on both sides.

The applicants herein, have sought for the relief in connection with the construction activities of the cell phone towers and also sought for an interim injunction to restrain the construction activities connected to in respect of the cell phone towers more particularly in residential areas on the plea that Electromagnetic Radiation emitted by the towers causes pollution and health hazard to the people. At the time of admission an interim injunction was also granted in a case or two.

The counsel for the respondents have filed their respective reply.

During the pendency of these applications, it was brought to the notice of the Bench that the same subject matter was pending before the Hon'ble Principal Bench, New Delhi and on that ground the applications were adjourned. On the day of last hearing, a copy of the Judgement of the Principal Bench made in Original Application Nos. 61 of 2012, 78 of 2014, 129 of 2015, 147 of 2015, 247 of 2015, 379 of 2015 and 383 of 2015 dated 10.12.2015 was filed. The same is perused. It would be more apt and proper to reproduce Paragraph No.33 of the said Judgement:

“ 33. In view of the above discussion, we are of the considered view that radiation i.e. Emission of electromagnetic waves from the towers constructed by the respective respondents does not fall within the ambit, scope and jurisdiction vested in this Tribunal under the provisions of the NGT, Act with reference Environment (Protection) Act, 1986.”

The Bench has to necessarily follow the decision of the Hon'ble Principal Bench, New Delhi. In view of the decision holding that the construction activities of the cell phone towers by the respondents do not fall within the ambit, scope and jurisdiction vested with the Tribunal under the provisions of the National Green Tribunal (NGT) Act, 2010 with reference Environment (Protection) Act, 1986, all these applications have got to be necessarily dismissed since they do not arise for consideration before the Bench under NGT Act, 2010.

Hence, all the applications are dismissed holding that the Tribunal has no jurisdiction to entertain these applications. Accordingly, all these applications are dismissed and interim injunction already granted is vacated.  
No cost.

**Justice M. Chockalingam**  
**Judicial Member**

**P.S. Rao**  
**Expert Member**