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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 6th May, 2026*

+ W.P.(C) 6330/2012 & CM APPL. 20770/2023

KK NARANI

.....Petitioner

Through: Ms. Anupam Dhingra, Mr. Akash
Yadav, Advocates with Petitioner in-
person.

versus

THE MUNICIPAL CORPORATION
OF DELHI & ORS.

.....Respondents

Through: Mr. Kapil Dutta, Standing Counsel
for MCD.
Ms. Arti Bansal, CGSC with Ms.
Shruti Goel, Advocates for UoI.
Mr. Balendu Shekhar, Mr. Raj Kumar
Maurya, Mr. Divyansh Singh Dev &
Mr. Krishna Chaitanya, Advocates for
DPCC.
Mr. Ramnish Khanna, Mr. Sahil
Dagar & Mr. Sumit Tokas, Advocates
for R-4.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present writ petition has been filed seeking a direction to the respondents to remove the Data Server installed by the respondent no.4 at the property bearing no.A-27, *Preet Vihar, Delhi-110092* (hereinafter '*subject property*'). It is further prayed that the Diesel Generator Set ('DG



Set') operating from the roof top of the subject property be also removed.

2. The petitioner resides in the property adjacent to the subject property being *A-28, Preet Vihar, Delhi-110092* and has written various communications to the authorities including MCD for removal of the said Data Server and DG Set. However, despite the said communications, no action has been taken.

3. It is the case of the petitioner that the Data Server and the DG Set has been unlawfully installed by the respondent no.4, the owner of the subject property, which is causing noise pollution and hazardous radiations in the vicinity. It is also stated that vibrations arising from the Data Server are causing cracks in the wall of the rooms and staircases of the petitioner's property.

4. It is stated that mobile/cell towers, base stations, broadband internet and fixed landline servers emit electromagnetic waves, which cause health problems.

5. It is also the petitioner's case that the installation of the Data Server in the residential area is not permissible as it has been done without any permission from MCD or DDA.

6. In the counter-affidavit filed by respondent no.4, it is stated that:

i. The terrace on the subject property has been leased to Bharti Airtel Limited ('BAL') for installation of Remote Switching Units (RSU)/ Digital Loop Services ('DLCs'), which in common parlance refers to a 'Landline Telephone Exchange'.

ii. No permission from MCD is required for the installation of the aforesaid equipment.



iii. The Data Server/ Landline Telephone Exchange does not have any tower and/or antennae installed at the rooftop of the subject property which can emit electromagnetic radiation.

iv. A Data Server/ Landline Telephone Exchange provides connectivity through copper wires and not over air as in the case of a mobile telephone tower. Thus, there is no harmful radiations as alleged by the Petitioner.

7. The writ petition came up for hearing before this Court on 3rd October, 2012, when notice was issued.

8. Delhi Pollution Control Committee (DPCC) was impleaded *vide* order dated 16th March, 2016.

9. Counter-affidavit by the respondent no.5/ DPCC was filed on 6th March, 2017, wherein DPCC has elaborated on the Noise Regulations for DG Sets of various capacities as introduced in the year 2002.

10. In the order passed by this Court on 29th January, 2025, submission of respondent no.4 was noted that the DG Set has since been removed. In view of the aforesaid submission, MCD was directed to inspect the subject property and file an inspection/ status report.

11. Pursuant to the aforesaid order, the MCD inspected the subject property and filed a status report on 13th May, 2025. In the said status report, MCD has confirmed the fact that there was no DG Set installed at the roof of the subject property.

12. A response to the aforesaid status report has been filed on behalf of the petitioner, wherein it is stated that the structure on the terrace is a huge cabin where the Data Server/ Landline Telephone Exchange has been installed.



13. I have heard the counsel for the parties and perused the record.

14. In the status report filed by MCD on 13th May, 2025, it is categorically stated that the DG Set does not exist on the subject property. The petitioner in his response has not disputed the aforesaid stand taken by MCD in the status report.

15. Therefore, there cannot be any question of noise pollution on account of the DG Set. There is nothing to suggest that noise is emanating from the Data Server/ Landline Telephone Exchange.

16. A perusal of the response filed by the petitioner itself makes it clear that a Broadband Internet and Fixed Landline Data Server has been installed at the subject property. Hence, it is clear that there is no mobile tower installed at the subject property.

17. Nothing has been placed on record on behalf of the petitioner to show that the said Data Server/ Landline Telephone Exchange is harmful or emits radiation.

18. Even in the respect of mobile towers, this Court *vide* judgement dated 29th April, 2026 in W.P.(C) 16518/2025 titled as ***Sunil Tyagi & Ors. v. Municipal Corporation of Delhi***, while relying on ***Kapil Choudhary v. Union of India***, 2016 SCC OnLine Del 2558, has held that the allegations regarding health hazards posed by mobile towers are bald in nature and not backed by any material. The relevant extract from the said judgement are set out below:

*“The contention of the petitioners regarding alleged health hazards posed by the mobile tower are in the nature of bald allegations and are not backed by any material. In **Kapil Choudhary v. Union of India**, 2016 SCC OnLine Del 2558, this Court, after due consideration of the issue, held as follows:*



*“12. In view of the above, it is clear that there is **no scientific data available to show that installation of mobile phone towers and the emission of the waves by the said towers is in any way harmful for the health or hazardous to the health of citizens.** There is no conclusive data to the said effect. The petitioner has not been able to produce any data whatsoever showing any such harmful effects on the health of human beings. The petitioner has also not been able to show violation of any norms by the respondent.*

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14. The writ petition being without merit is dismissed.”

19. It is to be noted that the respondent no.1/ MCD itself has taken the stand that there is no policy with respect to the installation of Data Servers/ Landline Telephone Exchange. Hence, there is no requirement of taking any permission from MCD for the installation of the same.

20. In view of the discussion above, the relief sought by petitioner for removal of the Data Server/ Landline Telephone Exchange cannot be granted. With regard to the relief sought for removal of DG Set, it is already noted above that the DG Set has been removed from the subject property.

21. Accordingly, the writ petition is disposed of.

22. The pending application also stands disposed of.

AMIT BANSAL, J

MAY 6, 2026

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