

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 10549 of 2015 (P)

PETITIONER(S):

A. ABDUL NAZAR, S/O. ABDUL AZEEZ,
AGED 53 YEARS, MELE THAIVILA VEEDU,
KARAKKAMANDAPAM, NEMOM P.O.,
THIRUVANANTHAPURAM - 695 020.

BY ADV. SRI.S.MOHAMMED AL RAFI.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
INFORMATION TECHNOLOGY DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM - 695 005.
3. CORPORATION OF THIRUVANANTHAPURAM,
REPRESENTED BY SECRETARY,
THIRUVANANTHAPURAM - 695 033.
4. BHARATH SANCHAR NIGAM LIMITED (BSNL),
REPRESENTED BY CHIEF GENERAL MANAGER,
P.M.G ROAD, THIRUVANANTHAPURAM - 695 033.
5. THE PRINCIPAL GENERAL MANAGER,
TELECOMMUNICATIONS, B.S.N.L BHAVAN,
UPPALAM ROAD, STATUE, TRIVANDRUM -695 001.
6. THE PRINCIPAL SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

R1, R2 & R6 BY GOVT. PLEADER SMT.K.A. SAJEETHA.
R3 BY ADV. SRI.P.K.MANOJKUMAR, SC, TVPM CORPORATION.
R4 & R5 BY ADV. SRI.RAMANATHAN C.S, S.C, BSNL
ADV. SRI.MATHEWS K.PHILIP, SC, BSNL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1- TRUE COPY OF THE NOTICE NO. NE1/5700/14 DATED 17/09/2014 ISSUED BY THE 3RD RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT-P2- TRUE COPY OF THE LETTER NO. 67400/14 DATED 21/02/2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT-P3- TRUE COPY OF THE NOTICE NO. NE1 5895/14 DATED 20/02/2015 ISSUED BY THE 3RD RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT-P4- TRUE COPY OF THE GOVERNMENT ORDER G.O(MS) 21/2013/ITD DATED 21/08/2013.
- EXHIBIT-P5- TRUE COPY OF GOVERNMENT ORDER G.O (MS) 14/2014/ITD DATED 15/03/2014.
- EXHIBIT-P6- TRUE COPY OF THE CIRCULAR NO. 11414/RPR/2009 DATED 30/10/2010 ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.10549 of 2015

Dated this the 21st day of May, 2015.

JUDGMENT

The petitioner is aggrieved by the alleged steps taken by the fourth respondent for installing and erecting a mobile tower of the roof top of the building situated in the adjacent property. This according to the petitioner, is within the radius of five metres from the petitioner's house. The petitioner further alleges that at first, the third respondent issued Ext.P1 restraining the fourth respondent from installing the tower on the ground that no permit was obtained from the respondent corporation. Later, Ext.P1 order was withdrawn as per Ext.P3 order on the ground that no permit was required.

2. Today, when the matter came up for hearing, the learned Senior Counsel appearing for the respondent Corporation submitted that the petitioner has an alternative remedy to approach the District Telecom authority for redressing his grievance.

In the light of the above, the writ petition is dismissed, reserving the right of the petitioner to approach the aforesaid authority, at the earliest. In the event of filing the said representation, the same shall be considered by the second respondent, after affording the petitioner and affected parties, if any, an opportunity of being heard.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.