

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

WP(C) .No. 12724 of 2015 (M)

PETITIONER(S) :

C.P.CHATHAN AGED 69 YEARS
S/O. KANNAN, POZHYYILKUNNEL HOUSE, WARD NO.13
KALLUR, CHANGAROTH, KOZHIKODE DISTRICT.

BY ADVS.SRI.MANSOOR.B.H.
SRI.M.T.BIJU

RESPONDENT(S) :

1. DISTRICT TELECOM COMMITTEE
KOZHIKODE, REPRESENTED BY ITS CHAIRMAN
DISTRICT COLLECTOR, CIVIL STATION, KOZHIKODE-673 001.
2. ENVIRONMENTAL ENGINEER
KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE
KOZHIKODE-673 001.
3. CHANGAROTH GRAMA PANCHAYATH
KADIYANGAD, KOZHIKODE DISTRICT
REPRESENTED BY ITS SECRETARY, PIN-673 525.
4. POOCHALIL RAJAN
AYADDOM, CHANGAROTH, KOZHIKODE DISTRICT-673 525.
5. INDUS TOWERS
8TH FLOOR, VANKARATH TOWERS, BYEPASS JUNCTION
PALARIVATTOM, KOCHI-682 024.

R1 BY GOVERNMENT PLEADER MR.T.R.RAJESH
R2 BY SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 12724 of 2015 (M)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : A COPY OF THE REPRESENTATION DTD.30.3.2015 AND ITS
ACKNOWLEDGMENT.

RESPONDENT(S) ' EXHIBITS

NIL

/TRUE COPY/

PS TO JUDGE

C.T.RAVIKUMAR, J

W.P(C).No.12724 of 2015

Dated this the 21st April, 2015

JUDGMENT

The petitioner is a resident of Ward No.13 of Changaroth Grama Panchayath. His grievance is that the fifth respondent is attempting to erect a telecom tower within the limits of the said Ward of the Panchayath without obtaining permission from the Panchayath or from the Pollution Control Board. It is contended that the area in question, where the telecom tower is sought to be erected is a thickly populated place. Raising such grievance he along with other people of the locality has filed Exhibit P1 representation before the Panchayat. It is submitted that in the light of the decision of this Court reported in ***Indus Towers Ltd., Palarivattom & others v. Sub Inspector of Police, Thodupuzha and others*** [(2014(4) KHC 81 (DB)] such grievance could be gone into and appropriate orders could be passed by the District

Telecom Committee constituted by the Government as per order dated 2.8.2014.

Having heard learned counsel for the petitioner and the learned Government Pleader as also the learned counsel appearing for the second respondent, I am inclined to dispose of the Writ Petition with a direction to the first respondent to consider Exhibit P1 in accordance with law, if it is received and pending, as expeditiously as possible, with notice to respondents 3 to 5.

**Sd/-
C.T.RAVIKUMAR
JUDGE**

vgs22/4/15