

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 29289 of 2009 (E)

PETITIONER(S) :

RIYAZ,
S/O.RAYON, AGED 29 YEARS,
KODUVATH HOUSE, VANDOOOR, MALAPPURAM.

BY ADV. SRI.P.P.JACOB.

RESPONDENT(S) :

1. VANDOOOR GRAMA PANCHAYATH,
VANDOOOR, MALAPPURAM,
REPRESENTED BY ITS SECRETARY.
2. M/S.INDUS TOWERS LTD.,
8TH FLOOR, N.H.BYE PASS, PALARIVATTOM.

BY ADV. SRI.P.SATHISAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 : TRUE COPY OF THELAND TAX RECEIPT DATED 10/12/2008.
- EXT. P2 : TRUE COPY OF THE LETTER ISSUED BY PETITIONER DATED
14/10/2009 BEFORE THE FIRST RESPONDENT.
- EXT. P3 : TRUE COPY OF THE PERMIT ISSUED BY FIRST RESPONDENT DATED
29/08/09.
- EXT. P4 : TRUE COPY OF THE LETTER ISSUED BY FIRST RESPONDENT DATED
09/10/2009 TO THE SECOND RESPONDENT.
- EXT. P5 : TRUE COPY OF THE PETITION FILED BY THE PETITIONER AND
OTHERS DATED 14/10/2009 BEFORE THE FIRST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V.RAMAKRISHNA PILLAI, J

WPC No.29289 of 2009

Dated this the 2nd day of June, 2015

JUDGMENT

Aggrieved by the construction of a mobile tower by the second respondent pursuant to Ext.P7, the petitioner has come up before this Court.

2. The petitioner, his brother and family are residing in the residential building situated adjacent to the proposed site where the mobile tower is proposed to be constructed. Initial construction process like digging are going on. Panchayat issued Ext.P3 without conducting proper enquiry. The petitioner's brother is the title holder of the property. He is in Gulf. It is alleged that false consent letter of the petitioner's brother has been produced before the Panchayat to get Ext.P3 permit. The petitioner filed Ext.P5 before the first respondent. The petitioner says that the entire matter has to be re-considered by the first respondent. Ext.P3 is issued based on fraudulent document produced by the second

respondent; it is alleged. It is with this background, the petitioner has come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned counsel for the second respondent.

4. The learned counsel for the second respondent inviting my attention to G.O.M.S.No.31/2014/ITD dated 5.11.2014 stated that the authority as per the said Government order to consider the said issue is the District Telecom Committee headed by the District Collector.

Therefore, this writ petition is closed permitting the petitioner as well as the second respondent to approach the District Telecom Committee for their redressal of their grievance.

**sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

CSS/

true copy

P.S.TO JUDGE