

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.10019 of 2015
and
M.P.Nos.1 and 2 of 2015

Mr.I.Joseph Stanislas

...Petitioner

Versus

1. The District Collector,
Thiruvallur District,
Collectorate, Thiruvallur - 602 001.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 700 001.
3. The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Ennore, Chennai - 600 057.
4. The Member Secretary,
Tamilnadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 600 032.

5. Mr.K.Ramachandiran सत्यमेव जयते

6. The Executive Engineer,
Zone -I, Corporation of Chennai,
Chennai

...Respondents

[R6 suo motu impleaded by order of
this Court dated 07.04.2015]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 1 to 3 to remove all the fixtures in connection with the erection of the Cell-Phone tower at the second floor of

the building, bearing Door No.90, 9th Street, Annai Sivakami Nagar, Ennore, Chennai - 600 057 and subsequently, not to grant any permission by respondents 1 to 4 for erection of the Cell-Phone Towers at the building / property bearing Door No.90, 9th Street, Annai Sivakami Nagar, Ennore, Chennai - 600 057.

For Petitioner : Mr.T.S.Kanmani

For Respondents : Mr.S.Pattabiraman (for R1)
Government Advocate
Mr.T.C.Gopalakrishnan (for R2 & R6)
Mr.P.R.Dhilip Kumar (for R3)
Mr.H.Yasmeen Ali (for R4)

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. It is the case of the petitioner that his neighbour viz., Mr.K.Ramachandiran, the 5th respondent, is the owner of the building bearing Door No.90, 9th Street, Annai Sivakami Nagar, Ennore, Chennai - 57. The said building has been constructed in violation of the rules and regulations of the Local Authority. Petitioner further averred that the 5th respondent is permitting the cell phone service provider to construct a cell phone tower on the top of the premises without adhering to any safety norms. The petitioner in this regard submitted a representation to the Deputy Commissioner, Corporation of Chennai, Zone-V, pointing out the abovesaid violation on the part of the 5th respondent and since he has not been favoured with any response, came forward to file this writ petition.

3. After hearing the arguments of the learned counsel appearing for the petitioner, this Court felt that the jurisdictional Executive Engineer, has to be arrayed as a party and accordingly, the Executive Engineer, Zone-I, Corporation of Chennai, is suo motu impleaded as the 6th respondent.

4. Heard the submissions of Mr.S.Pattabiraman, learned Government Advocate, who accepts notice for 1st respondent, Mr.T.C.Gopalakrishnan, learned standing counsel for Corporation of Chennai, who accepts notice for 2nd and 6th respondent, Mr.P.R.Dhilip Kumar, learned standing counsel, who accepts notice for 3rd respondent and Mr.H.Yasmeen Ali, learned standing Counsel, who accepts notice for the 4th respondent.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner is of the view that the petitioner has to make one more representation to the 6th respondent, pointing out the alleged irregularities on the part of the 5th respondent in permitting the cell phone provider to erect a cell phone tower, within a period of one week from the date of receipt of a copy of this order and the 6th respondent on receipt of the representation, is directed to consider the same on merits and in accordance with law, after putting the 5th respondent on notice and pass orders within a period of four weeks, thereafter and communicate the decision to the petitioner as well as to the 5th respondent.

6. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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5. The Executive Engineer,
Zone-1, Corporation of Chennai,
Chennai.

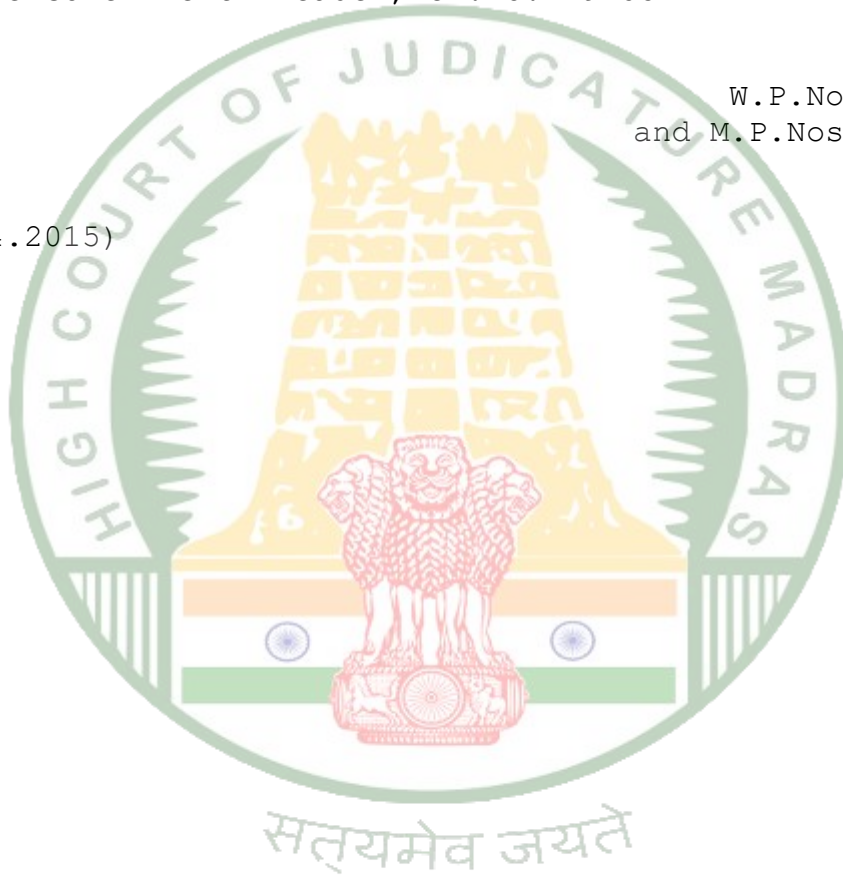
1 CC to Mr.H.Yasmeen Ali, Advocate SR.No. 19529

1 CC to Mr.T.S.Kanmani, Advocate SR.No. 19295

1 CC to the Government Pleader, SR.No. 19253

W.P.No.10019 of 2015
and M.P.Nos.1 & 2 of 2015

TM (CO)
PSI (17.04.2015)



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