

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.13656 of 2015

and

M.P.Nos.1, 2 and 3 of 2015

M.Velmurugan

represented by his Power Agent

P.Marudhachallam

...Petitioner

-Vs-

1.Coimbatore City Municipal Corporation,
represented by its Commissioner,
Coimbatore.

2.District Collector,
Coimbatore District,
Coimbatore.

3.State of Tamil Nadu
represented by its
Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 9.

4.Secretary to Government,
Housing and Urban Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 9.

5.The Director,
Town and Country Planning Authority,
Chennai.

6.The Chief Engineer,
TNEB,
Thirumurugan Nagar,
Kalapatti Village,
Coimbatore.

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7.Accent Telecom Infrastructure Pvt. Ltd.,
Old No.32, New No.52,
Butt Road,
St.Thomas Road,
Chennai - 600 016.

8.P.Rajendran
S/o.Perumalsamy

9.P.Gunasekaran,
S/o.Perumalsamy

10.P.Chinnammal,
W/o.Perumalsamy ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to G.O.Ms.No.302, Housing and Urban Development (UD 4.2) Department issued by fourth respondent, dated 12.12.2002 and G.O.Ms.No.177, Municipal Administration and Water Supply (MA1) Department issued by third respondent, dated 17.12.2002 and quash the same and direct the respondents 1 and 2 to dismantle the BTS Tower and related structures from Plot No.4, Maharaja Nagar Lay out, Nehru Nagar Extension, Kalapatti Village, Coimbatore.

For Petitioner : Mr.C.Anantha Ramani

For Respondents: Mr.R.Sivakumar [R1]
Mr.R.Vijayakumar,
Additional Government Pleader
[for State Government]

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. Though the petitioner prayed for larger relief of quashment of impugned G.O.Ms.No.302, Housing and Urban Development (UD 4.2) Department dated 12.12.2002 and G.O.Ms.No.177, Municipal Administration and Water Supply (MA1) Department dated 17.12.2002, the learned counsel for the petitioner, on instructions, restricted his prayer for disposal of the writ petition.

3. The petitioner claims to be a resident of 22/29, Palaniyappa Nagar, Thiruchy Road, Ramanathapuram, Coimbatore - 45 and aggrieved by the act of seventh respondent in erecting mobile

phone tower without any proper permission and without adhering to safety norms, submitted a representation dated 06.04.2015 to the Assistant Commissioner, East Zone, Coimbatore City Municipal Corporation, Singanallur, as well as to the second respondent and the residents of the locality have also submitted a representation dated 13.04.2015 to the first respondent. Since no response is forthcoming and that the seventh respondent is proceeding with the erection of mobile phone tower, the petitioner came forward to file this writ petition.

4. Heard the submissions made by Mr.C.Anantha Ramani, learned counsel for the petitioner, Mr.R.Sivakumar, learned counsel, who accepts notice for first respondent and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the State.

5. This Court taking into consideration the facts and circumstances and without entering upon the merits of the claim projected by the petitioner, directs the Assistant Commissioner, East Zone, Coimbatore City Municipal Corporation, Singanallur, to consider and dispose of the petitioner's representation dated 06.04.2015 in accordance with law after putting on notice the seventh respondent and after providing the petitioner as well as the representative of the seventh respondent an opportunity of personal hearing and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner and the seventh respondent. If the petitioner is so advised, he is at liberty to challenge G.O.Ms.No.302, Housing and Urban Development (UD 4.2) Department dated 12.12.2002 and G.O.Ms.No.177, Municipal Administration and Water Supply (MA1) Department dated 17.12.2002.

Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

सत्यमेव जयते
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gm

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To

1.The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai - 9.

4.The Secretary to Government,
Housing and Urban Department,
Government of Tamil Nadu,
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5.The Director,
Town and Country Planning Authority,
Chennai.

6.The Chief Engineer,
TNEB,
Thirumurugan Nagar,
Kalapatti Village,
Coimbatore.

1 cc to M/s. Giridhar and Sai, Advocate, Sr 24905

1 cc to Government Pleader, Sr. 24873

सत्यमेव जयते

W.P.No.13656 of 2015

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