

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12529 of 2016

1. S.R.Rathinasamy ..Petitioner
- vs.
1. The District Collector,
Tiruppur District at Tiruppur.
2. The Commissioner of Police,
Tiruppur.
3. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.
4. Mrs.Sarojini
5. Sivasakthi
6. Vijayakanth .. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 3rd respondent to consider and pass orders on the petitioner's representation dated 08.03.2016 submitted with reference to installation/erection of Cellular Mobile Tower/Mobile Base Station in the premises bearing Door NO.5/3 Sadayappan Koil Street', Valipalayam, Tiruppur - 641 601 within a time fixed by this Honourable Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.R.A.S.Senthil Vel,
Additional Government Pleader
for R1 and R2
Ms.P.Santhi for R3

O R D E R

The petitioner has come up with the present writ petition for issuance of a Writ of Mandamus, directing the 3rd respondent to consider and pass orders on the petitioner's representation dated 08.03.2016, seeking to prevent installation/erection of Cellular Mobile Tower/Mobile Base Station in the premises bearing Door NO.5/3, Sadayappan Koil Street', Valipalayam, Tiruppur - 641 601, within the time frame.

(2.1) It is the case of the petitioner that he is the owner of the premises bearing Door No.1/3A, Sadayappan Koil Street, Valipalayam, Thirupur 641 601. Respondents 4 to 6, who are neighbours to the petitioner, are the owners of the premises bearing Door No.5/3 in the same street of the said locality and are running a Study Centre, called as "Bharathiar University Study Centre".

(2.2) According to the petitioner, respondents 4 to 6 are making preparations to erect a Cellular Telephone Towner/Mobile Base Station in their premise, by disregarding the Building Rules and Regulations. In fact, the premises of respondents 4 to 6 are unauthorisedly constructed and erection of the Cellular Telephone Tower will pose great danger to the lives and properties of several residents, including the petitioner. Hence, the petitioner along with other local residents have submitted a representation dated 8.3.2016 to the first and third respondents, objecting the proposed erection of Cellular Telephone Tower in the premises of respondents 4 to 6, and the same was not considered. Hence, the petitioner has sent another representation dated 21.3.2016 to the second respondent as well as to the local police station. Even thereafter, no follow up action was taken. Hence, the petitioner has no other option, except to approach this Court with the aforesaid prayer.

3. I have heard Mr.R.A.S.Senthil Vel, learned Additional Government Pleader, who has taken notice on behalf of respondents 1 and 2 and Ms.P.Santhi, learned Standing Counsel for the third respondent.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 8.3.2016 by affording an opportunity of personal hearing to the petitioner as well as respondents 4 to 6 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim made by the petitioner and it is for the third respondent to consider the

claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

ajr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Tiruppur District at Tiruppur.

2. The Commissioner of Police,
Tiruppur.

3. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

+ 1 cc to Ms.P.Santhi, Advocate Sr 21367

+ 1 cc to Mr.K.Premkumar, Advocate Sr 21151

+ 1 to The Govt.Pleader, Sr 21263

KR/6/4/16

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