

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12649 of 2016 &
W.M.P.No. 11006 of 20161

J.Ramani

... Petitioner

Vs.

1.The District Collector,
Namakkal District.

2.The Panchayat President,
Sellappampatti Village,
Puduchathiram Union,
Namakkal District.

3.The Hindu Towers Ltd.
No.5, 5th Floor, ESPEF IT Park,
Jawaharlal Nehru Road,
Ekkaduthangal,
Chennai - 32.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner representation dated 20.07.2015, consequently direct the respondent to stop the installation work of cell phone tower in near by School premises at Sellappampatti Village, Namakkal District.

For Petitioner : Mr.J.Ramkumar

For Respondents: Mrs.M.E.Rani Selvam for R1 and R2
Additional Government Pleader

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus directing the respondent to consider the petitioner representation dated 20.07.2015, consequently direct the respondent to stop the installation work of cell phone tower in near by School premises at Sellappampatti Village, Namakkal District.

3.In the petition it has been stated that the petitioner is the resident of Sellappampatti Village and there are more than three hundred houses around the house of the petitioner and a Government Higher Secondary School is also functioning within 150 feet distance from the residential area. It is further stated that the third respondent is planning to install a telephone tower near the petitioner's house and the petitioner has approached the first respondent on 20.07.2015 to stop the installation of the cell phone tower. In this regard, the Head Master of the School has also approached the first respondent, but the same was not considered. Hence, left with no other option, the petitioner has come forward with this petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader. In view of the nature of the order that is going to be passed, this Court is of the opinion that there is no need for this Court to issue notice to the third respondent.

5.This Court without going into the merits of the claim projected by the petitioner, directs the first respondent to consider the representation of the petitioner dated 20.07.2015 and pass appropriate orders on merits and in accordance with law, after affording opportunity of personal hearing to the petitioner as well as to the third respondent, within a period of four 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 merits of the claim projected by the petitioner and it is open to the first respondent to decide the matter purely on merits.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

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s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To
The District Collector,
Namakkal District.

+ 1 cc to M/s.J.Ramkumar, Advocate SR 21422

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