



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8438 of 2017 and
W.M.P.(MD).No.6443 and 6444 of 2017

M.Chithra

: Petitioner

Vs.

1. The District Collector,
Thanjavur District.
2. The Tahsildar,
Thanjavur, Thanjavur District.
3. The Block Development Officer,
(Village Panchayats),
(Pudupattinam Village Panchayat Incharge)
Block Development Office,
Near Panagal Building,
Thanjavur, Thanjavur District.
4. The District Manager,
District Pollution Control Board,
Nanjikottai, Thanjavur.
5. Maruthappa

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 herein to dismantle and remove the illegal and unauthorised proposed erection/construction of towers of 120 ft, (12 storeyed building heights) by the fifth respondent in plot No.46, Jothi Nagar 2nd Street, Nagai Road, Puduppattinam Village, Thanjavur Taluk, Thanjavur District, endangering the life and property of petitioner and residents of other public within a reasonable time as may be fixed by this Court.

For Petitioner	: Mr.B.Anandam
For R.1, R.2, R.4	: Mr.M.Govindan Special Government Pleader
For Respondent No.3	: Mr.T.S.Md.Mohideen Additional Government Pleader
For Respondent No.5	: Mr.V.Chandrapandi Advocate Commissioner



O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

WEB COPY

This writ petition has been filed for directing the authorities to dismantle and remove the mobile phone tower put up in plot No.46, Jothi Nagar 2nd Street, Nagai Road, Pudupattinam Village, Thanjavur Taluk, Thanjavur District.

2. According to the writ petitioner, the erection of the said mobile phone tower has endangered the safety of the residents. It is also his contention that it amounts to nuisance. He had submitted a representation to the first respondent, but, so far no action has been taken.

3. We therefore direct the first respondent to enquire into the representation dated 03.03.2017 submitted by the writ petitioner and pass orders in accordance with law. This exercise shall be completed within a period of two months from the date of receipt of a copy of this order. The first respondent shall also communicate a copy of the decision taken by him to the petitioner. The first respondent shall hear the interested parties before taking a decision in the matter.

4. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD).Nos.6443 and 6444 of 2017 is closed.

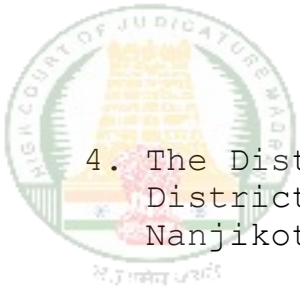
Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thanjavur District.
2. The Tahsildar,
Thanjavur, Thanjavur District.
3. The Block Development Officer,
(Village Panchayats),
(Pudupattinam Village Panchayat Incharge)
Block Development Office,
Near Panagal Building,
Thanjavur, Thanjavur District.



4. The District Manager,
District Pollution Control Board,
Nanjikottai, Thanjavur.

+ 1 CC TO Mr.P.VADIVEL, ADVOCATE IN SR No. 71977
+ 1 CC TO Mr.T.S.MOHAMMED MOHIDEEN, ADVOCATE IN SR No. 71521
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 71696
+ 1 CC TO Mr.M.PONNIAH, ADVOCATE IN SR No. 71773

TSG

TE/KP/SAR-I : 24/08/2017 : 3P/9C

Order made in
W.P. (MD) No. 8438 of 2017 and
W.M.P. (MD) Nos. 6443 and 6444 of 2017
dated: 08.08.2017