IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.6466 of 2018

Kumarapuri Colony Sangam
Rep. by its Vice Secretary
Arul Kumar
Kumarapuri Colony Kudiirupore Nalasangam
Kumarapuri Colony
Bharathipuram, Dharmapuri District. .. Petitioner

Vs.

1.The District Collector
O/o.Collectorate Office
Dharmapuri District.

2.The Commissioner
The Municipality Office
Dharmapuri Ditrict.

3.The Inspector of Police
Dharmapuri Town Police Station
Dharmapuri District.

4.Thillaivannan .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to consider the petitioner's representation dated 02.03.2018, to prevent the 4th respondent from erecting the cell phone tower in the premises of Azhagar Illam, 3rd Street, Kumarapuri Colony, Bharathipuram, Dharmapuri District.

For Petitioner: Mr.V.Sakkarapani

For Respondents: Mr.M.Jothikumar
Additional Government Pleader
for R1 & R3

Mr.M.Venkadesh Kumar
Government Advocate (CS) for R2

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O R D E R

Mr.M.Jothikumar, learned Additional Government Pleader takes notice for the respondents 1 and 3. Mr.M.Venkadesh Kumar, learned Government Advocate (CS) takes notice for the second respondent. Since this writ petition is being disposed of, without affecting the interest of the fourth respondent, notice to the said respondent is dispensed with.

2. The petitioner is an association consisting of the residents of Kumaripuri Colony as its members. The petitioner is aggrieved against the proposed location of cell phone tower in the premises called Azhagar Illam, 3rd Street, Kumarapuri Colony, Bharathipuram, Dharmapuri District, by the fourth respondent.

3. According to the petitioner, the said location of the cell phone tower would cause health hazard to the people residing around such location. Ventilating such grievance, the petitioner has made a representation before the first respondent on 02.03.2018. The present writ petition is filed only to consider the said representation.

4. Since this writ petition is being disposed of, at the admission stage itself, without hearing the fourth respondent, this Court, is not inclined to express any view on the merits of the claim made by the petitioner in respect of their objections against the proposed location of such cell phone tower. However, as it is stated that the said representation is still pending before the first respondent, this writ petition is disposed of, only with a direction to the first respondent to consider the said representation dated 02.03.2018 and pass orders on the same on merits and in accordance with law, after hearing the petitioner as well as the fourth respondent and other interested persons, if any. Such exercise shall be done by the first respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector
  O/o.Collectorate Office
  Dharmapuri District.

2.The Commissioner
  The Municipality Office
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3.The Inspector of Police
  Dharmapuri Town Police Station
  Dharmapuri District.

+1cc to Government Pleader Sr.No.22346
+1cc to Mr.V.Sakkarapani, Advocate Sr.No.21185

sm:26.3.2018

W.P.No.6466 of 2018

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