

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.12677 of 2017
and
W.M.P.No.13506 of 2017

T.Maruthu Pandian

..Petitioner

Vs

1.The Government of Tamil Nadu
Represented by its Secretary
Information Technology Department,
Secretariat, Fort St.George, Chennai.

2.The Commissioner
Greater Chennai Corporation
Rippon Building, Chennai-3.

3.The Indus Towers Limited,
ESPEE IT Part, 100 Feet Road,
Jawaharlal Nehru Road, 5th floor,
Ekkaduthangal, Chennai-97.

4.Palani

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the 1st and 2nd respondent forbear the third respondent from installing cellular phone tower upon the building bearing No.9/79, 1st Main Road, M.R.Nagar, Kodungaiyur, Chennai-600 118 or any other place nearby in the residential area.

For Petitioner : Mr.M.L.Ramesh

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader for R1
Mr.T.C.Gopalakrishnan
Standing Counsel for R2
Mr.S.Anil Sandeep for R3
No appearance for R4

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents 1 and 2 to forbear the third respondent from installing a cellular phone tower situated at No.9/79, 1st Main Road, M.R.Nagar, Kodungaiyur, Chennai-600 118.

2. Heard Mr.M.L.Ramesh, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the first respondent, Mr.T.C.Gopalakrishnan, learned Standing counsel appearing for the second respondent, Mr.S.Anil Sandeep, learned counsel appearing for the third respondent and none appeared for the fourth respondent.

3. The learned Special Government Pleader appearing for the first respondent and the learned Standing counsel appearing for the second respondent submitted that the third respondent had already installed a cell phone tower and hence, the prayer sought for in this writ petition has become infructuous.

4. The learned counsel for the petitioner submitted that admittedly, the third respondent had installed a cell phone tower in the residential area and the issue is now pending before the Supreme Court and the official respondents have to investigate as to whether the erection of cell phone tower would cause cancer to the neighbours. The learned counsel seeks liberty to file a fresh representation on the same cause of action.

5. Granting such liberty, this writ petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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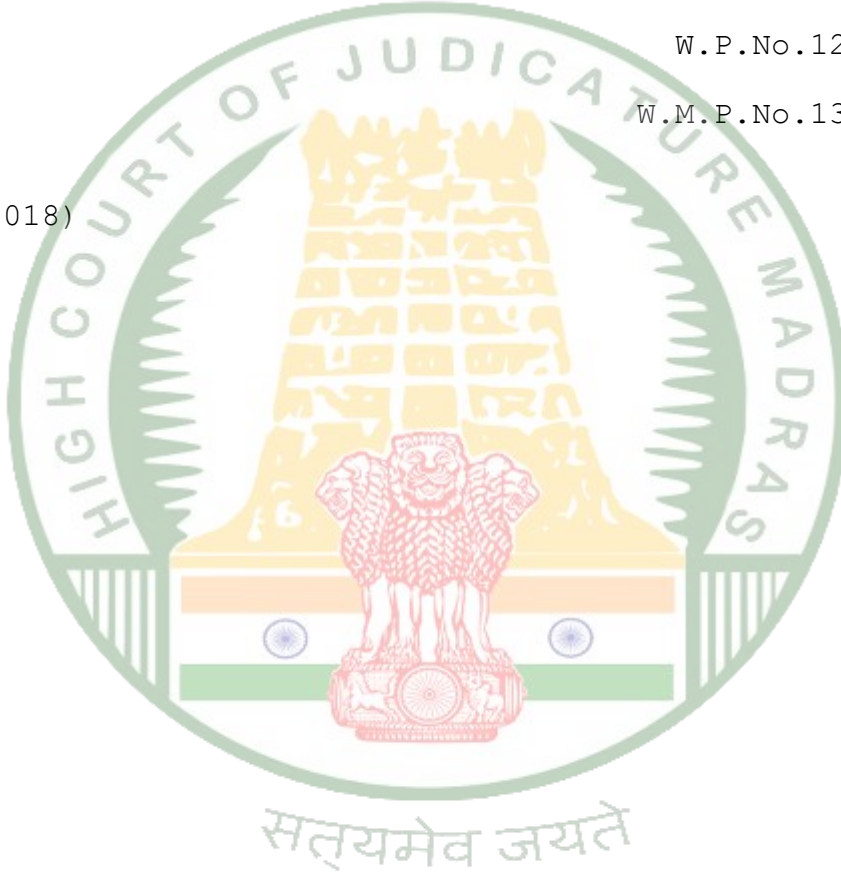
To

1.The Secretary,
The Government of Tamil Nadu,
Information Technology Department,
Secretariat, Fort St.George, Chennai.

+1cc to Mr.T.C.GOPALAKRISHNAN, Advocate, S.R.No.40026
+2cc to Mr.S.ANILSANDEEP Advocate, S.R.No.40157
+1cc to Mr.M.L.RAMESH, Advocate, S.R.No.40328
+1cc to the Government Pleader, S.R.No.40356

W.P.No.12677 of 2017
and
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EV(CO)
TR(05/07/2018)



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