

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.29786 of 2019
and
W.M.P.No. 29683 of 2019

A.Bismillah

..Petitioner

Vs.

- 1.The Collector of Thiruvallur,
Thiruvallur - 602 001.
- 2.The Tahsildar of Ponneri,
Ponneri - 601 204.
- 3.The Revenue Divisional Officer of Ponneri,
Ponneri - 601 204.
- 4.Block Development Officer,
Shozhavaram Post,
Ponneri - 600 067.
- 5.The Village Administrative Officer,
Padianallur First Panchayat Board,
Padianallur, Redhills,
Chennai - 600 052.
- 6.The Inspector of Police,
M-4 Police Station,
Redhills, Chennai - 52.
- 7.S.Sundarammal,
- 8.M/s.Indus Towers Limited,
5(NP), ESPEE, IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai - 600 097.

...Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue writ of mandamus, to direct respondents 1 to 5 to dispose the representation made on 17.09.2019 by the petitioner.

For Petitioner : Mr.V.Nandagopalan
For Respondents : Mr.N.Inbanathan,
Additional Government Pleader
for R1 to R6
Mr.S.Anilsandeep
for R7 and R8

ORDER

The petitioner had given a representation dated 17.09.2019 stating that the 8th respondent, M/s.Indus Towers Limited had putting up a cell phone tower which would be hazardous to the residents, since it would cause voltage radiation. It is stated that the tower is being put up in collusion with the 7th respondent. Consequently, in the representation to the first respondent namely Collector, Thiruvallur District with copies of the second, third, fourth and fifth respondents, it was stated that the Padianallur Panchayat, the 5th respondent had passed a resolution against erection of cell phone tower. The grievance of the petitioner is that the representation has not been considered by the first respondent.

2. The first respondent namely the District Collector must give opportunity to the petitioner and also 7th and 8th respondents and consider whether there is any necessity for putting up a cell phone tower and also allay any fear in the minds of the general public over the hazards presented by fixing up of such cell phone tower and then after taking into consideration of all objections, pass an order. The petitioner and the 8th respondent may participate in the enquiry and place on record any document or other evidence against the erection of cell phone tower and for the erection of the cell phone tower. If the representation is not available in the office of the first respondent, the petitioner may give a fresh representation to the first respondent and thereafter the first respondent may pass orders after hearing all stake holders on or before 29.02.2020.

3. With the above observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Collector of Thiruvallur,
Thiruvallur - 602 001.
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Ponneri - 601 204.
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Ponneri - 601 204.
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- 6.The Inspector of Police,
M-4 Police Station,
Redhills, Chennai - 52.

+2cc to Mr.V.Nanda Gopalan, Advocate Sr.No.105519

+1cc to The Government Pleader SR.No.106277

AKM/10.02.2019 /3P-10C/

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and

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