



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P(MD)No.26117 of 2019

and

W.M.P(MD)No.22595 of 2019

S.Madhan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.Pradeep

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to take stringent action against the third respondent for erecting cell phone towers on the roof top of his house which is absolutely situated in the residential areas and causing ailments to the public due to radiation and exposure and to take steps to remove the same from there on the basis of the petitioner's representation dated 18.11.2019.

For Petitioner : Mr.M.Sankar

For R - 1 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

For R - 2 : Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of Mandamus, directing the first and second respondents to take stringent action against the third respondent for erecting cell phone towers on the roof top of his house which is absolutely situated in the residential areas and causing ailments to the public due to radiation and exposure and to take steps to remove the same from there on the basis of the petitioner's representation dated 18.11.2019.



2.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader taking notice for the second respondent submitted that immediately on the receipt of the representation dated 18.11.2019 from the petitioner, the second respondent had issued a show-cause notice to the building owner on 19.11.2019 itself. Further, the learned Additional Government Pleader submitted that suitable action will be taken against the building owner for erecting the cell phone tower, in accordance with law.

3.In view of the submissions made by the learned counsel appearing for the second respondent, we do not find any reason to pass any further direction to the authorities except making it clear that the second respondent would take appropriate action in accordance with law as against the building owner.

4.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

ps

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

+1 CC to Mr.AAYIRAM K.SELVAKUMAR, Advocate (SR-104091[F] dated 09/12/2019)

+1 CC to SPL GP (SR-104177[F] dated 10/12/2019)

+1 CC to Mr.M.SANKAR, Advocate (SR-104359[F] dated 11/12/2019)

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