

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7465 of 2021
and
WMP.No.7987 of 2021

Arumugam

Petitioner

Vs.

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The District Revenue Officer
Kallakurichi District,
Kallakurichi.
- 3.The Revenue Divisional Officer,
Chinna Salem Taluk,
Kallakurichi District.
- 4.The Tahsildar
Chinna Salem Taluk,
Kallakurichi Distirct.
- 5.The Block Development Officer,
Chinna Salem Panchayat Union,
Chinna Salem Taluk,
Kallakurichi District.
- 6.Reliance Infratel Limited
Circle Office,
No.6, Haddows Road,
Nungambakkam,
Chennai - 600 006.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the 6th respondent from erecting transmission cell phone tower and from

installing all the telecommunication electrical and electronics equipment, OFC Cable and its maintenance work on the said BTS transmission Tower amidst the residential area, in particular in the property comprised in Survey No.219/5A, Mathur Village, Chinna Salem Taluk, Kallakurichi District by considering the petitioner's representation dated 26.02.2021.

For Petitioner : Mr.R.Jayaprakah

For Respondents: Mr.K.S.Suresh
Government Advocate for R1 to R5

ORDER
(made by SENTHILKUMAR RAMAMOORTHY, J.)

The writ petitioner seeks to prevent the installation of a mobile phone transmission tower and equipment ancillary thereto on a property in Survey No.219/5A, Mathur Village, Chinna Salem Taluk, Kallakurichi District.

2. The petitioner asserts that the sixth respondent herein has initiated action to erect a mobile phone transmission tower along with ancillary equipment at the property mentioned above, which is located in a densely populated residential area. It is further stated that a representation dated 26.02.2021 has been submitted to the official respondents herein but no action has been taken thereon.

3. Mr.K.S.Suresh, learned Government Advocate, accepts notice on behalf of respondents 1 to 5.

4. It is needless to say that the installation of a mobile phone transmission tower should be done after obtaining all requisite approvals. If all approvals are in place and the extant applicable law is fully complied with, the installation of such tower should not be prevented.

5. Subject to the above observation, without examining the merits of the representation dated 26.02.2021, the first respondent is directed to consider the representation dated 26.02.2021 and dispose of the same by a speaking order after providing a reasonable opportunity to all parties affected thereby, including the sixth respondent herein. In view of the fact that the merits of the matter have not been examined and because the official respondents have been directed to hear the sixth respondent before passing an order, the writ petition is being disposed of without notice to the sixth respondent. The aforementioned speaking order shall be issued within a period of

six weeks from the date of receipt of a copy of this order.

6. W.P.No.7465 of 2021 is disposed on the above terms. Consequently, connected W.M.P.No.7987 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rrg

To:

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The District Revenue Officer
Kallakurichi District,
Kallakurichi.
- 3.The Revenue Divisional Officer,
Chinna Salem Taluk,
Kallakurichi District.
- 4.The Tahsildar
Chinna Salem Taluk,
Kallakurichi Distirct.
- 5.The Block Development Officer,
Chinna Salem Panchayat Union,
Chinna Salem Taluk,
Kallakurichi District.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.18819
+1cc to the Government Pleader, S.R.No.18761

AJS (CO)
CB(16/04/2021)

W.P.No.7465 of 2021

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