

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12727 of 2021

G.Vijayakumar

...Petitioner

Vs

1 The Revenue Divisional Officer
Ponneri taluk Thiruvallur District

2 Mr. Pandian ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent authority mentioned above to take immediate steps to stop the erection of the cell phone tower on the second floor of the 2nd respondent residential house situated at No. 46 Kalaingar Street Thadaperumbakkam Colony Ponneri taluk Thiruvallur District 601 204.

For Petitioner : Mr.I.Prakash Raj

For Respondents : Mr.P.Muthukumar
Counsel for State,
for 1st respondent

ORDER

(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner seeks to prevent the erection of a mobile phone tower on the second floor of the second respondent's residential house. The petitioner states that he is a resident of Kalaingar Street, Thadaperumbakkam Colony, Ponneri Taluk, Thiruvallur District, which is a residential area. He further states that a mobile phone tower is being erected on top of the second floor of a neighbouring house, and that this poses a risk

to him and others in the vicinity. It is alleged that the said property was constructed without obtaining necessary building permits. In spite of submitting a representation to the first respondent to stop the erection of the mobile phone tower, no action has been taken to prevent such erection.

2. Mr.Muthukumar, learned Counsel for the State, accepts notice for the first respondent and submits that the first respondent would consider and dispose of the petitioner's representation within a reasonable time-frame.

3. Accordingly, without going into the merits of the matter, the first respondent is directed to consider the representation dated 10.07.2021 of the petitioner and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing both to the petitioner and to the second respondent. Such reasoned order shall be passed within a period of eight weeks from the date of receipt of a copy of this order. On account of the fact that the first respondent has been directed to hear the second respondent before passing orders, the writ petition is disposed of without notice to the second respondent.

4. W.P.No.12727 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1 The Revenue Divisional Officer
Ponneri taluk Thiruvallur District

+ 1CC TO Mr. GOVERNMENT PLEADER SR 31689

WEB COPY

W.P.No.12727 of 2021

JPL (CO)
SU(12/07/2021)