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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

WP No.21283 of 2021

Pa.Kanin Rojar

... Petitioner

Vs

1.The District Collector,
Vellore District.

2.The Commissioner,
Katpadi Municipality,
Katpadi, Vellore District.

3.M/s.Tower Vision India Pvt. Ltd.,
No.1 & 2 Block 1 Ramaniam
The Lodge Towers Ground Floor,
Nehru Road, Ekkaduthangal,
Chennai - 600 032.

4.Deniyal Jagathambal

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first and second respondents not to give permission to the third and fourth respondents for erection of mobile phone tower at No35, Narayana Maistry Street, Machine Compound, Katpadi.

For the Petitioner : Mr.K.Venkatesan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent No.1



ORDER

(Order of the Court was made by Hon'ble Chief Justice)

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The grievance of the petitioner is that a mobile phone tower has been set up at No.35, Narayana Maistry Street, Machine Compound in Katpadi.

2. Under the Indian Telegraph Act, 1885, it is the District Collector who has the authority to look into such matters. Accordingly, WP No.21283 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation of the matters complained of to the first respondent District Collector within a fortnight from date, whereupon such official will conduct an inquiry upon notice to all concerned, including the owner of the property and the service provider and others who may be affected thereby. The District Collector should consider the matter in accordance with law and communicate his reasoned decision to the petitioner and all others affected thereby within eight weeks of the receipt of the petitioner's representation.

3. Mr.P.Muthukumar, learned Government Pleader, takes notice on behalf of the first respondent. Since no prejudice is caused by this order to the other respondents and the District Collector has been directed to give notice to the others likely to be affected by his decision, no previous service is required to be made on the respondents 2 to 4. However, the petitioner will be obliged to immediately forward copies of the petition and this order to all the respondents.

4. WMP No.22524 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Vellore District.



2.The Commissioner,
Katpadi Municipality,
Katpadi, Vellore District.

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+1cc to Mr.Venkatesan, Advocate Sr.51394

WP No.21283 of 2021

mg[co]
srg 08/10/2021