

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.18495 of 2020

N.Sheetharam Prasad

.. Petitioner

Vs

- 1 The District Collector of Chennai,
Rajaji Salai,
Chennai - 600 001.
- 2 Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- 3 The Zonal Officer,
Zone-VIII, Greater Chennai Corporation,
No.36B, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.
- 4 Sathya Narayana
5. Indus Towers (P) Ltd.,
rep. By its Director/CEO
No.5, 5th Floor, Jawaharlal Nehru Road,
Ekkatu Thangal,
Chennai-600 082.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 and 2 to forbear the 4th and 5th respondents from installing mobile phone tower (Antennae) at No.1, Sengunthar Street, Shenoy Nagar, Chennai-600 030 or any other place near to the said locality in contravention to the rules and regulations formulated therefor.

For Petitioner

: Mr.C.Umashankar

For Respondents

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent No.1

Mr.R.Gopinath
for respondent Nos.2 and 3

Mr.S.Anilsandeep
for respondent Nos.4 and 5

ORDER

(Order of the Court was made by SENTHILKUMAR RAMAMOORTHY,J.)

This writ petition seeks to forbear the respondent authorities from installing a mobile phone tower (Antennae) at No.1, Sengunthar Street, Shenoy Nagar, Chennai-600 030 or any other place near to the said locality in contravention to the rules and regulations formulated therefor.

2. This Court, time and again, observed that it is not possible to exercise discretionary jurisdiction in public interest litigation unless the matter involves a significant impact on the larger public interest.

3. Accordingly, without examining the merits of the matter, the petitioner is directed to make a fresh representation to the official respondents concerned within two weeks from the date of receipt of a copy of this order and the official respondents concerned are directed to consider such representation and dispose of the same by a speaking order after providing a reasonable opportunity to all the affected persons. Such order shall be passed within six weeks from the date of receipt of the representation. In the event the petitioner is aggrieved thereby, it is open to the petitioner to pursue legal remedies otherwise than by a public interest litigation, after establishing his locus standi.

W.P.No.18495 of 2020 is disposed of accordingly. No costs. Consequently, W.M.P.No.22939 of 2020 is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

sasi

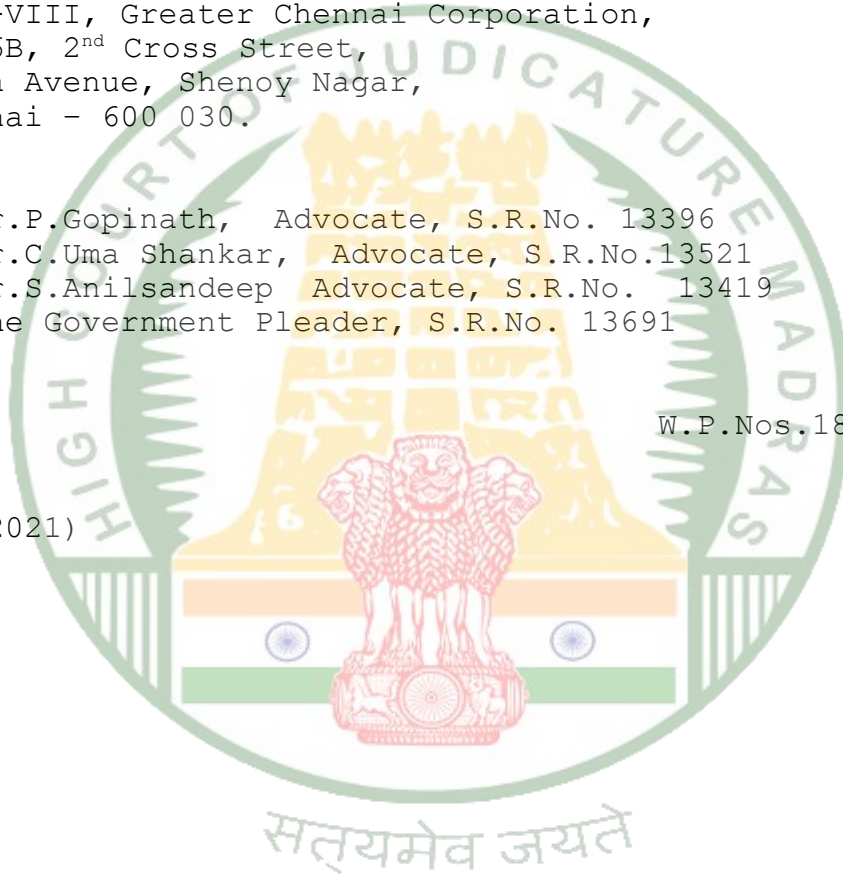
To:

- 1 The District Collector of Chennai,
Rajaji Salai,
Chennai - 600 001.
- 2 The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.
- 3 The Zonal Officer,
Zone-VIII, Greater Chennai Corporation,
No.36B, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai - 600 030.

+1cc to Mr.P.Gopinath, Advocate, S.R.No. 13396
+1cc to Mr.C.Uma Shankar, Advocate, S.R.No.13521
+1cc to Mr.S.Anilsandeep Advocate, S.R.No. 13419
+1cc to the Government Pleader, S.R.No. 13691

W.P.Nos.18495 of 2020

PMR (CO)
GN(16/03/2021)



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