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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.11638 of 2020
and WMP.No.14268 of 2020

P.Shanmughasundaram

... petitioner

-Vs-

1. The District Collector
Coimbatore District,
Coimbatore.

2. The Corporation of Coimbatore,
Rep.by its Commissioner,Coimbatore.

3. Rangasamy Gounder

4. R.Muthulakshmi

5. R.Paneer Selvam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus Directing the 1st respondent to forthwith take action on the representation to the Petitioner dated 31.07.2020 in accordance to law with respect to illegal installation of mobile tower in the building bearing No. D.No. 37-40 Mettupalayam Main Road, Coimbatore by the respondents 3 to 5.



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For petitioner : Mr.P.Saravana Sowmiyan
For Respondent : Mr.V.Manoharan, AGP R1
Mr.N.Velmurugan R2

ORDER

This petition has been filed seeking a direction to the 1st respondent to take action on the representation to the Petitioner dated 31.07.2020 in accordance to law with respect to illegal installation of mobile tower in the building bearing No. D.No. 37-40 Mettupalayam Main Road, Coimbatore by the respondents 3 to 5.

2. It is the case of the petitioner that the respondents 3 to 5 have erected a mobile tower in one of their building comprised in SF.No.342/1C bearing D.No.37-40, Mettupalayam Main Road, Coimbatore, which is very near to the petitioner's house. The mobile tower has been erected without any permission from the competent authorities. The stability of the building is very weak and not fit for erection of mobile tower. Hence, the petitioner made a representation 31.07.2020 to the first and second respondents for removal of the illegal mobile tower and the same is not considered. Hence, the present writ petition.



3. The learned counsel for the petitioner submitted that this Court may direct the respondents 1 & 2 to consider the petitioners representation dated 31.07.2020 and to remove the mobile tower within the stipulated time as fixed by this Court.

4. Heard both sides and perused the materials available on record. Since no adverse orders are passed against the private respondent, notice to the respondents 3 to 5 is dispensed with.

5. In view of the limited relief sought for by this petitioner, this Court directs the first respondent to consider the petitioner's representation dated 31.07.2020, on merits and in accordance with law, after providing opportunity to the petitioner as well as the private respondents, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

rli

05.06.2023



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M.DHANDAPANI, J.

rli

To

1. The District Collector
Coimbatore District,
Coimbatore.

2. The Corporation of Coimbatore,
Rep.by its Commissioner,
Coimbatore.

W.P.No.11638 of 2020

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