



WEB COPY



W.P.No.14670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM :

**THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HON'BLE MR. JUSTICE C. SARAVANAN**

**WRIT PETITION NO.14670 OF 2023
AND
WMP.NO.14155 OF 2023**

The Morrai-II Kootu Kudiyirupor Nala Sangam
Represented by its Secretary
P.Uthayakumar,
No.138, Vivekanandha Nagar,
Morrai Village, Avadi,
Chennai - 600 055.

.. Petitioner

Versus

1. The District Collector
Collectorate
Tiruvallur District.
2. The Thasildar
Taluk Office
Avadi Taluk
Thiruvallur.
3. The President
Morrai Village Panchayat
Morrai, Avadi,
Chennai.



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4. M/s.Rliance Jio Infocom Limited
Circle Office at A1, Tower, VIII-Floor,
B9-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

5. K.Pavithra .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 16.03.2023 consequently restrain the Respondent No.4 from installing the 5G Cell phone Tower in Poorani Nagar, Morrai Village, Tiruvallur District.

For Petitioner : Ms.Thanga Vadhana Balakrishnan

For Respondents : Mr.C.Kathiravan
1 to 3 Special Government Pleader

ORDER

A.D.JAGADISH CHANDIRA, J.
and
C.SARAVANAN, J.

This Writ Petition has been filed by the petitioner Sangam seeking for a Mandamus, directing the first respondent to consider their representation dated 16.03.2023 and for a consequential direction to restrain the fourth respondent from installing the 5G Cell Phone Tower in Poorani Nagar, Morrai Village, Tiruvallur District.



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2.This is the second round of litigation by the petitioner before this Court. Earlier, the petitioner in his individual capacity had filed a Writ Petition in W.P.No.26490 of 2022 and the same was disposed of on 12.10.2022 with the following observation:-

"3.Mrs.R.Anitha, learned Special Government Pleader taking notice for the first respondent producing the written instructions received from the first respondent submitted that till date, to erect new 5G Jio Cell Phone Tower in Plot No.24, Poorani Nagar, Morrai Village, Tiruvallur District, no one has applied seeking permission to the competent authority, namely, the District Collector. Therefore, if anyone comes forward seeking permission to erect any Cell Phone Tower, the objections, if any, made before the District Collector would be considered after holding a public hearing."

3.It is submitted that despite the order passed by this Court in W.P.No.26490 of 2022 on 12.10.2022, the respondents 1 to 3 have allowed the fourth respondent to put up the 5G Jio Cell Phone Tower in Plot No.24, Poorani Nagar, Morrai Village, Tiruvallur District.



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4.Considering the fact that the petitioner has made a representation dated 16.03.2023 to the first respondent, we direct the first respondent to consider the representation made by the petitioner and pass orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.]

[C.S.N., J.]

04.05.2023

Index : Yes / No
Internet : Yes / No
AV/TK



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To

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