



WEB COPY

W.P.No.15501 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **17.05.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P.No. 15501 of 2023

Sundaraganesha Nagar Kudiirupore Nalasangam
Rep by its Secretary
Mr.K.KUmar,
S/o.Kullan,
No.2/415, DOT First Street,
Sundaraganesha Nagar,
Kasavanallathur, Kadambathur,
Thiruvallur Taluk,
Thiruvallur District.

... Petitioner

Vs.

- 1.The District Collector,
O/o.Collectorate Office
Thiruvallur District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvallur District.
- 3.The Thasildhar
Thasildhar Office
Thiruvallur District.

4.Visalatchi

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus directing the respondents 1 to 3 to consider the petitioner representation dated 09.05.2023.

For Petitioner : Mr.V.Sakkarapani
For Respondents : Mr.K.Karthik Jeganathan
Government Advocate (R1 to R3)

ORDER

[Order of the Court was made by C.V.KARTHIKEYAN,J.]

Writ petitioner/Nalasangam, according to the petitioner, a registered association has filed the present Writ Petition quite innocuously in the nature of a mandamus seeking a direction to consider a representation dated 09.05.2023.

2.Unfortunately, a mandamus cannot be issued in the light of an order of a learned single Judge dated 13.04.2023 in W.P.No.11400 of 2023, ***M/s.Ascend Telecom Infrastructure Private Limited, Vs. The Superintendent of Police, Thiruvallur***, wherein, the very objection raised by the petitioner herein not to put up a cellphone tower had been examined by the learned single Judge and a direction had been given that police protection must be given to erect and install the cellphone tower.



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3. There cannot be two separate examination of the same issue by two different courts. The petitioner could have very well filed a writ appeal as against that particular order if the petitioner is of the opinion that they are an aggrieved party. Filing a separate Writ Petition, innocuously, in the nature of a mandamus cannot be encouraged by this Court.

4. The learned counsel for the petitioner points out an interdepartmental communication between the Electricity Department and the President of the jurisdictional panchayat, wherein, it had been stated that there is a 11 Kilowatts transformer and necessary precautions should be made while erecting the cell phone tower.

5. We are confident that the telecom company, who is also incidentally not a party in this writ petition, would take every protection and care to ensure that safety measures are put in place while the cellphone tower is erected. There cannot however be a consideration of the representation of the petitioner herein. No further direction are required.



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6. Accordingly, this Writ Petition is disposed of. There will be no order as to costs.

(C.V.K.,J.) (S.K.R., J.)
17.05.2023

Intex : Yes/No
Internet : Yes/No
mrn/ep



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To

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O/o.Collectorate Office
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- 3.The Thasildhar
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C.V.KARTHIKEYAN, J.
and
SENTHILKUMAR RAMAMOORTHY, J.

(mrn/ep)

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