



WEB COPY



W.P.No.7133 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7133 of 2014

1. S.Paramasivan
2. S.Balasubramanian
3. A.Balasubramanian
4. M.Poorna Chandran Joshi .. Petitioners

vs

1. The Tamil Nadu Pollution Control Board
Rep. by its Chairman
No.76, mount Road, Guindy
Chennai 600 032.

2. The Assistant Commissioner of Police
O/o Assistant Commissioner of Police
Villiwakam, Chennai 600 049.

3. M/s.Reliance Jio Infocomm Limited
Rep. by its Authorized Signatory
Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.

4. B.Muralidharan
5. Balan .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the first and second respondents to initiate action against the respondents 3 to 5 pursuant to the legal notice



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dated 03.02.2014 and consequently direct the third respondent to drop the erection and installation of the mobile cellular tower on the terrace of the premises bearing Door No.5/187, 63rd street, SIDCO Nagar, Villiwakkam, Chennai 600 049 belong to the fourth and fifth respondents as the same is a threat to the stability of the adjacent buildings.

For the Petitioner : Mr.S.S.Swaminathan

For the Respondents : Mrs.Shanmugavalli Sekar
for respondent 1

Mr.Abishek Murthy
Government Advocate
for respondent 2

No Appearance
for respondents 3 to 5

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to initiate action against the respondents 3 to 5, pursuant to the legal notice dated 03.02.2014 and consequently, direct the respondent 3 to drop the erection and installation of the mobile cellular tower on the terrace of the premises bearing Door No.5/187, 63rd street,



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SIDCO Nagar, Villiwakkam, Chennai 600 049, belonging to the respondents 4 and 5, as the same is a threat to the stability of the adjacent buildings.

2. The grievance of the writ petitioner is that a mobile cellular tower was to be erected during the relevant point of time in the premises bearing Door No.5/187, 63rd street, SIDCO Nagar, Villiwakkam, Chennai 600 049. The property admittedly belongs to the respondents 4 and 5, who are the private respondents. However, the petitioner states that statutory requirements are to be complied while erecting such mobile cellular towers.

3. The writ petition was filed in the year 2014 and almost eight years lapsed. This being the factum, this Court, at this point of time, cannot issue any such direction as such sought for in the present writ petition. However, if any grievance exists as of now, the petitioner is at liberty to approach the competent authority in the manner known to law.



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4. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, M.P.No.1 of 2014 is closed.

Index : Yes/No
Neutral Order: Yes/No
drm

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To:

1. The Chairman
The Tamil Nadu Pollution Control Board
No.76, mount Road, Guindy
Chennai 600 032.
2. The Assistant Commissioner of Police
O/o Assistant Commissioner of Police
Villiwakam, Chennai 600 049.



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S.M.SUBRAMANIAM,J.

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