



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.12.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.34249 of 2023

Rukmangathan

... Petitioner

Vs

1.The District Collector,
District Collector Office,
Thiruvallur.

2.The RDO,
Thiruvallur,
Thiruvallur District.

3.The BDO (Block Development Officer),
Periyapalayam,
Thiruvallur District.

4.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to restrain the Bharat Airtel Company and further not to erect the Airtel Cell Phone Tower in the residential area comprised in S.No.71/3A 1B of the Guruvoyal Village, Thiruvallur Taluk and District.



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W.P.No.34249 of 2023

For Petitioner : Ms.B.Sasikala
For Respondents : Mr.J.C.Durairaj (R1, R2 and R4)
Additional Government Pleader
Ms.Meena
for Mrs.C.Sangamithirai (R3)
Special Government Pleader

ORDER

Mr.J.C.Durairaj, learned Additional Government Pleader accepts notice for R1, R2 and R4 and Ms.Meena, learned counsel on behalf of Mrs.C.Sangamithirai, learned Special Government Pleader accepts notice for R3. They are armed with requisite instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner is aggrieved by the move of Bharat Airtel Company, not arrayed as respondent in this Writ Petition, to erect a Airtel cell phone tower in the residential area comprised in S.No.71/3A 1B of the Guruvoyal Village, Thiruvallur Taluk and District.

3. The petitioner is a resident of the aforesaid village and states that the prime avocation of that village is agriculture. He thus feels that it would not be conducive for erection of cell phone tower in that area, quite apart from the fact that there are already, according to him, five cell phone towers in that village and an erection of a new tower is thus unnecessary. He has made a



W.P.No.34249 of 2023

representation before R2, being Revenue Divisional Officer on 13.11.2023 to the same effect, which has not been considered thus far.

4. Hence this Writ Petition, seeking a direction to R2 to restrain Bharat Airtel Company from erecting a Airtel cell phone tower in the residential area comprised in S.No.71/3A 1B of the Guruvoyal Village, Thiruvallur Taluk.

5. Learned counsel for the respondents have no objection to this Court issuing mandamus directing disposal of the representation, simplicitor. This Court also agrees that that would be the best course of action, seeing as the receipt of the representation is admitted.

6. Hence, mandamus is issued to R2 to consider the representation of the petitioner dated 13.11.2023, hear the petitioner, Bharat Airtel Company as well as any other person, he thinks necessary and pass necessary orders on the representation on merits and in accordance with law, within a period of four (4) weeks from date of receipt of a copy of this order.

7. This Writ Petition is disposed as above. No costs.

12.12.2023

Index : Yes / No
Speaking order
Neutral citations: Yes
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W.P.No.34249 of 2023

Dr.ANITA SUMANTH,J.

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To

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W.P.No.34249 of 2023

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