



WEB COPY



WP No.6456 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.6456 of 2020
and WMP Nos.7628 and 7629 of 2020

K.T.S.Vasanth Kumar

.. Petitioner

-VS-

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Commissioner,
Avadi Corporation,
Avadi, Chennai-54.
3. The Executive Engineer,
Tamil Nadu Electricity Board,
N.M.Road, Avadi, Chennai-54.
4. The Deputy Commissioner of Police,
Avadi Circle, Avadi, Chennai-54.
5. A.T.C.Telecom Tower Corporation
Pvt. Ltd., "Celestiel Point",
No.45, Damodaran Street,
T.Nagar, Chennai 600 017.
6. Johnson

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7. The Director,
(CS-III) & CPIO,
Department of Telecommunications,
(Carrier Services Cell-III), Sanchar Bhawan,
20, Ashoka Road, New Delhi 110 001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 5 to remove the Cell Phone Tower (with its equipments) erected on the 1st Floor, Terrace portion of the house, bearing Door No:1/4, Thiruvallur Street, Kamarajapuram, Pattabiram, Chennai-72.

For the Petitioner : Mr.P.Selvaraj

For the Respondents : Mr.C.Kathiravan
Spl. Govt. Pleader for R-1
: Mr.R.A.Gopinath for R-2
: Mr.R.Muniyappa Raj
Addl. Public Prosecutor
assisted by Mr.Sylvester John for R-4
: No appearance for RR 3, 5 and 6
: Mr.N.Ramesh for R-7

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Selvaraj, learned counsel for the petitioner, Mr.C.Kathiravan, learned Special Government Pleader for respondent No.1, Mr.R.A.Gopinath, learned counsel for respondent No.2, Mr.R.Muniyappa Raj, learned Additional Public Prosecutor for



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respondent No.4 and Mr.N.Ramesh, learned counsel for respondent No.7.

2. The learned counsel for the petitioner submits that respondent No.6 has allowed erection of a cell phone tower in his house. The same is behind the lane.

3. There is nothing on record to substantiate the contention that no permission was obtained before erection. No such information is placed on record.

4. The petitioner claims to have approached the authority, that is, respondent No.2. The petitioner may pursue the representation with respondent No.2 and in case, such an application is filed by the petitioner, the respondent No.2 shall consider the same on its own merits and in accordance with law and policy and take a decision upon it preferably within six months from the date of communication of the order, after following principles of natural justice.



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With this observation, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(D.B.C., J.)

05.02.2024

Index : Yes/No

Neutral Citation : Yes/No

sra

To

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4. The Deputy Commissioner of Police,
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