



W.P.No.7443 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

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CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.7443 of 2024

M.Parvathy

.... Petitioner

Vs

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Tahsildar,
Coimbatore North,
Coimbatore.
- 3.The Superintendent of Police,
Coimbatore, Coimbatore District.
- 4.The Inspector of Police,
Periyanayakkampalayam Police Station
Periyanayakkampalayam,
Coimbatore.
- 5.The President,
Periyanayakkanpalayam Panchayat,
Periyanayakkampalayam,
Coimbatore.
6. Ranganayaki

.... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to implement the order of the 1st respondent in Na.Ka.No.878750/2023/C2 dated 05.05.2023 within a stipulated time.

For Petitioner : Mr.C.Veera Raghavan
For Respondents : Mr.S.John J. Raja Singh
Additional Government Pleader – R1 & R2
Mr.R.Kishore Kumar
Government Advocate – R3 & R4
Mr.G.Ameedius
Government Advocate - R5

ORDER

Mr.S.John J.Raja Singh, learned Additional Government Pleader accepts notice for R1 and R2, Mr.R.Kishore Kumar, learned Government Advocate accepts notice for R3 and R4 and Mr.G.Ameedius, learned Government Advocate accepts notice for R5. They are armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission. No notice is thought necessary to R6 at this juncture as her interests have been duly taken note of and addressed by virtue of this order.

2. The petitioner states that she is a resident of Ayyasamy Nagar, Mettupalayam Road, Jothipuram, Coimbatore. She is aggrieved by the cell phone tower that has been installed in the property belonging to R6 for the past 10 years. The petitioner states that the radiation from the cell



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phone tower has been causing health hazard to all the residents in that locality.

3. The petitioner has made a representation to the first respondent, i.e., District Collector to remove the cell phone tower, who, in turn, has sought reports from the Tahsildar/R2 and the Revenue Divisional Officer, the latter not arrayed in this Writ Petition, vide proceedings bearing Na.Ka.No.878750/2023/C2 dated 05.05.2023.

4. Since the representation of the petitioner is still pending, she seeks a mandamus directing R2 to implement the order of R1 dated 05.05.2023. In fact proceedings dated 05.05.2023 do not really advance the case of the petitioner, since all that the Collector has sought is a report from the officials.

5. Moreover, Mr.Singh would point out that the representation dated 20.03.2023 refers to certain ailments caused to the petitioner by virtue of the erection of cell phone tower but there is absolutely nothing to substantiate the same.

6. Be that as it may, the Tahsildar/R2 in conjunction with the Revenue Divisional Officer will furnish a report to the District Collector for necessary action in accordance with law. Based on the report to be received, the District Collector/R1 shall pass an order on the



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representation of the petitioner dated 20.03.2023, after hearing the petitioner, R6 and any others, who may be deemed necessary for proper adjudication of the matter, in accordance with law.

7. In doing so, he shall bear in mind the order passed by the First Bench of this Court in *K.R.Ramaswamy @ Traffic Ramaswamy V. The Secretary, Department of Telecommunications and others* (W.P.Nos.24976 of 2008 etc. batch order dated 05.03.2015). Let this exercise be completed within a period of twelve (12) weeks from date of receipt of a copy of this order.

8. This Writ Petition is disposed in the aforesaid terms. No costs.

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Index: Yes/No
Speaking order
Neutral Citation: Yes
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To

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- 1.The State of Tamil Nadu
Represented by its Principal Secretary,
Health and Family Welfare Department,
Secretariat, Chennai - 9.
- 2.Directorate of Medical Education,
Represented by the Director of Medical Education,
Kilpauk, Chennai - 600 010.
- 3.Directorate of Medical and Rural Health Services,
Represented by its Director of of Medical and
Rural Health Services,
359, Anna Salai, Chennai - 600 006.
- 4.Directorate of Public Health and Preventive Medicine,
Represented by its Director of Public Health and
Preventive Medicine,
359, Anna Salai, Chennai - 06.
5. K.A.P.Viswanathan Government Medical College,
represented by its Dean,
Tiruchirappalli – 620 001.

Dr.ANITA SUMANTH,J.



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