



WEB COPY

W.P.No.13124 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.13124 of 2020
and
W.M.P.No.16252 of 2020

A.Bismillah
S/o Abdulhameed

... Petitioner

vs.

1. The Collector of Thiruvallur,
Thiruvallur.
2. The Tahsildar of Ponneri,
Ponneri - 601 204.
3. The Revenue Divisional Officer of Ponneri,
Ponneri - 601 204.
4. Block Development Officer,
Shozhavaram Pot,
Ponneri - 600 067.
5. The Village Administrative Officer,
Padianallur First Panchayat Board,
Padianallur Redhills,
Chennai - 600 052.
7. S.Sundarammal
8. M/s. Indus Towers Ltd.,
5(NP) Espee, IT Park,
5th Floor Jawaharlal Nehru Road,
Ekkatuthangal,
Chennai - 600 097.

..Respondents.



Prayer in W.P. : Writ Petition filed under Article 226 of the Constitution to issue a Writ of Mandamus to direct the 1st respondent to dispose of the representation dated 24.08.2020.

For Petitioner : Mr.K.Sivakumar

For Respondents : Mrs.C.Meera Arumugam,
Additional Government Pleader
for R1 to R6
No appearance for R7
Mr.S.Anil Sundeeep
for R8

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st respondent to dispose of the representation dated 24.08.2020, by which, the petitioner has sought stop the erection work of cell phone tower in the residential area.

2. The case of the petitioner is that the 8th respondent is trying to erect cell phone tower in the residential area and the petitioner made representation to the 1st respondent regarding the consequential events of tower and while pending representation, a writ petition was filed to direct the respondent to take necessary action based on the representation and the same was disposed of with a direction to consider the same. Thereafter, the 8th respondent suppressed the fact and got an order for police protection to erect the cell phone tower in the same area. The



petitioner made another representation regarding the erection of tower.

Hence, the present writ petition.

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3. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing, the learned counsel appearing for the 8th respondent and perused the materials available on record.

4. Initially, the petitioner made a representation to the 1st respondent against the erection of tower by the 8th respondent and the same was disposed of by this Court in W.P.No.29786 of 2019, by order dated 18.12.2019. Thereafter, the 8th respondent filed Crl.O.P.No.10900 of 2020 seeking police protection for erection of tower and the same was also ordered on 22.07.2020.

5. Learned counsel for the petitioner would state that the 8th respondent filed Crl.O.P.No.10900 of 2020 seeking police protection to erect the tower, without mentioning the previous case in W.P.No.29786 of 2019 and the order passed by this Court in the said writ petition. The order passed by this Court in the above Crl.O.P was not known to the petitioner. He would further state that by using shortcut method, the 8th respondent got police protection order from the court and trying to erect cell phone tower without any appropriate order and by suppression of facts. Hence, he filed another representation to take immediate action



against the 8th respondent company and stop their erection work of cell phone tower in the residential area.

6. Learned counsel for the 8th respondent do not have objection in disposing of the representation by the 1st respondent.

7. Considering the above submission made by the learned counsel for the petitioner as well as the learned counsel for the 8th respondent, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to dispose of the representation of the petitioner dated 24.08.2020 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after giving opportunity to all the parties concerned.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2024

Index :yes/No
Speaking /Non speaking order
vsi

To



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