



W.P.No.8622 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.8622 of 2016

M.Velmurugan

.. Petitioner

Vs.

1.Coimbatore City Municipal Corporation,
Rep. by its Commissioner,
Coimbatore.

2.Assistant Commissioner,
East Zone, Coimbatore Corporation,
Coimbatore – 641 005.

3.District Collector,
Coimbatore District,
Coimbatore.

4.State of Tamil Nadu,
Rep by its Secretary to Government,
Information Technology Department,
Fort St. George,
Chennai – 9.

5.State of Tamil Nadu,
Rep by its Secretary to Government,
Municipal Administration and Water Supply Department,



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Government of Tamil Nadu,
Fort St. George,
Chennai – 9.

6.State of Tamil Nadu,
Rep by its Secretary to Government,
Housing and Urban Development Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 9.

7.The Director,
Town and Country Planning Authority,
Chennai – 600 002.

8.The Chief Engineer,
Tamil Nadu Electricity Board,
Thirumurugan Nagar,
Kalapatti Village,
Coimbatore – 641 048.

9.Ascend Telecom Infrastructure Pvt. Ltd.,
Old No.32, New No.52, Butt Road,
St. Thomas Road, Chennai – 600 016.

10.P.Rajendran

11.P.Gunasekaran

12.P.Chinnammal

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to G.O.Ms.No.2, Information Technology Department, dated 01.04.2002 issued by the 4th respondent, G.O.Ms.No.302, Housing and



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Urban Development Department, dated 12.12.2002 issued by the 6th respondent, G.O.Ms.No.177, Municipal Administration and Water Supply Department, dated 17.12.2002 issued by the 5th respondent and order vide Na.Ka.No.6201/2015/Ki T1 dated 15.09.2015 passed by 2nd respondent and to quash the same and direct the 1st, 2nd, and 3rd Respondents to dismantle the BTS Tower and related structures from Plot No. 4, Maharaja Nagar Layout, Nehru Nagar Extension, Kalapatti Village, Coimbatore.

For Petitioner	.. Mr.P.M.Duraisamy
For R1 & R2	.. Mr.K.Magesh
For R3 to R8	.. Mr.N.Naveen Kumar Government Advocate
For R9	.. Mr.S.Ramajayam

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus, seeking records relating to G.O.Ms.No.2, Information Technology Department, dated 01.04.2002 issued by the 4th respondent/Secretary to Government, Information Technology Department, State of Tamil Nadu, G.O.Ms.No.302, Housing and Urban Development Department, dated 12.12.2002 issued by the 6th respondent/Secretary to



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Government, Housing and Urban Development Department, State of Tamil Nadu, G.O.Ms.No.177, Municipal Administration and Water Supply Department, dated 17.12.2002 issued by the 5th respondent/Secretary to Government, Municipal Administration and Water Supply Department, State of Tamil Nadu and the order passed by the 2nd respondent/Assistant Commissioner, East Zone, Coimbatore Corporation dated 15.09.2015 and quash all the aforementioned Government Orders and also the order dated 15.09.2015 and to direct dismantle of BTS Tower and related structure from Plot No.4, Maharaja Nagar Layout, Nehru Nagar Extension, Kalapatti Village, Coimbatore. The said address belongs to the 10th, 11th and 12th respondents.

2.It is contended that in the said land, the 9th respondent had put up what is commonly called as Mobile Tower. It is stated that it is situated 3 meters away from the property of the petitioner. The petitioner therefore raised his grievances and had given representations. Though challenge to the Government Order had been given up by the learned counsel for the petitioner, those orders are policy decisions of the State Government.



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However, the order dated 15.09.2019 has been passed by the second respondent. It is contended that the said order had been passed after hearing both the parties and after giving due opportunity to the petitioner. This as a fact disputed by the learned counsel for petitioner but it is common ground that the mobile tower had been put up nearly about 8 years back and is in existence as on date. It is informed to this Court that no complaints have been received by any other third party. It is the petitioner alone, who has grievance on this aspect. The petitioner is now not residing in the property but his father is residing in the property. If ever there is any cause over the construction of the Mobile Tower apart from the grounds taken in the writ petition, the petitioner is always at liberty to file a fresh petition before the appropriate authority/third respondent, who may consider it on the basis of the representation. The concerned authority must find out whether the complaint or representation given has any basis and then pass orders.

3.The order dated 15.09.2015 is not interfered with by this Court. The writ petition however stands disposed of, in view of the liberty granted to the petitioner to give a fresh representation to the third respondent, if required.



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No costs.

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Index:Yes/No

Internet:Yes/No

Neutral Citation : Yes/No

Speaking order/Non-speaking order
rsi

To

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C.V.KARTHIKEYAN,J.

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