

BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 10th November, 2008.

H.R.M.P.No.3562/2008

Petitioner : Baby Poulse, Thattamparambil House,
Mulakkulam Vadakkekara,
Mulakkulam North.P.O, Piravom,
Muvattupuzha Taluk, Ernakulam

Respondents : 1. General Manager,Development – IMPCS,
Bharat Sanchar Nigam Ltd,
Panampilly Nagar, Kochi
2. Secretary, Piravom Grama Panchayat,
Piravom – 686 664.

ORDER

The above complaint was filed by the petitioner complaining that a mobile phone tower is to be erected near his house and in spite of the petition filed by him raising objections to the first respondent (R1) who is the General Manager, Development – IMPCS, Bharat Sanchar Nigam Ltd (BSNL), Panampilly Nagar, Kochi, and to the second respondent (R2) who is the Secretary of Piravom Grama panchayat no reply was received by him. In the complaint the petitioner has stated that if the tower is erected it will create health problems to him and his family.

A report was called for from the Secretary, Piravom Grama Panchayat (R2) and obtained. In the report the Secretary has stated that the Divisional Engineer, BSNL, Ernakulam filed an application before the Panchayat on 5-5-2008 requesting for permit to erect a BSNL tower in the premises of Mathew Varghese

and that the applicant did not remit the required fee along with the application. It was further stated in the report that the Panchayat will stop the proceedings for issuing permit if an order is passed by the Commission.

The above report of the Secretary of Piravom Grama Panchayat is very strange and it look as if that the Panchayat has decided to abdicate its responsibility of looking into the complaint of the petitioner. The Panchayat has not referred to the complaint filed by the petitioner to its Secretary raising objections for the erection of a mobile phone tower and the Panchayat cannot shirk the responsibility by stating that it will not grant permission if the Commission pass an order, forgetting for a moment that it is for the Panchayat to look in to the objections of the residents in the locality and thereafter conduct an enquiry by giving an opportunity to the parties concerned to decide the genuiness of the objections and pass orders accordingly. The Panchayat, in future, will desist from shirking its responsibility.

In the above circumstances, the Secretary, Piravom Grama Panchayat is directed to consider the objection of the petitioner and other residents in the locality by conducting an enquiry during which the representatives of the BSNL also will be heard and thereafter decide the issue according to law.

With the above direction the petition is closed. Copy of the order will be sent to the petitioner and R2.

Justice N.Dhinakar,
Chairperson, KSHRC.