



W.P.(MD)No.18801 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18801 of 2021

S.Arjunan

... Petitioner

Vs

- 1.The District Collector,
Nagercoil at Kanyakumari District.
- 2.The Superintendent of Police,
Kanyakumari District.
- 3.The Executive Officer,
Pallappallam Town Panchayat,
Kanyakumari District.
- 4.M/s. Atc Telecom Infrastructure Private Limited,
Represented by its Authorized Signatory,
Having Circle Office at Celesrial Point,
No.45 Damodharan St.,
Opposite to T.Nagar Bus Stand,
T.Nagar, Chennai-600 017.
- 5.The Tahsildar
Killiyoor Taluk, Kanniyakumari District.
- 6.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.

7.Murali

..Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st Respondent to take appropriate action in setting up of Base Trans receiver station towers and installation of equipment of telecommunication networks by virtue of the 1st respondent's order dated 22-07-2021 in ROC.No.20705/2021/G2 in serial No.1 based on the representation and objection given by the petitioner and other Residents on 04-10-2021 with regard to the hindrance caused by the 4 the Respondent and pass orders within the time stipulated by this Court and consequently direct the respondents to maintain status quo in the setting up of Base Trans receiver station towers and installation of equipment of telecommunication networks till the first respondent pass orders and to stop the operation of the order till the first respondent pass orders on the above representation.

For Petitioner : Mr.F.Deepak

For R-1 to R-3
& R-5 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R-4 : Mr.Karalmarx

For R-6 : Mr.R.Sivakumar,
Government Advocate
(Criminal Side)

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent not to grant permission to the



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fourth respondent to install the mobile tower in the subject property by considering the representation / objection made by the petitioner and others dated 04.10.2021.

2. Heard the learned counsel on either side.

3. The main grievance that was raised on the side of the petitioner is that if the mobile tower is put up, it will completely block the pathway through which the petitioner and others have access to their agricultural lands.

4. The learned Additional Government Pleader on instructions submitted that till date the mobile tower has not been erected due to the objections given by the villagers.

5. Taking into consideration the facts and circumstance of the case and the submissions made on either side, there shall be a direction to the first respondent to consider the representation / objection made by the petitioner and others, if any application is submitted by the fourth



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respondent seeking for erecting the mobile tower. Only after considering the objection, the first respondent can take a decision.

6. This Writ Petition is disposed of in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

09.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The District Collector,
Nagercoil at Kanyakumari District.

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Kanyakumari District.

3.The Executive Officer,
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4..The Tahsildar
Killiyoor Taluk, Kanniyakumari District.

5.The Inspector of Police,
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N.ANAND VENKATESH, J.

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