



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 28003 of 2026

M.K.S.Subramanian
S/o kandasamy Gounder,
2-2 / 267 Maramangalathupatti,
Steel Plant,
Salem 636 030

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary,
Information technology Department,
Secretariat,
Fort St George,
Chennai
2. The District Collector
Office of the District Collector,
Salem
3. The District collector
office of the district collector, salem
4. The Revenue Divisional officer
Office of the Revenue Divsional officer
Tharamangalam, Salem District
5. The Tahsildhar
Taluk office,
Salem office,
Salem West,
Salem District
6. The President
Maramangalathupatti Panchayat,
Steel Plant,
Salem 636 030



7. Aircel Limited
sterling Towers,
no 327 Anna Salai,
Teynampet,
Chennai 600 018

8. GTC Infrastructure Limited
City Centre,
New No 232, Old No 186 3rd Floor,
Pursawalkam High Road,
kilpauk, Chennai 600 010

..Respondent(s)

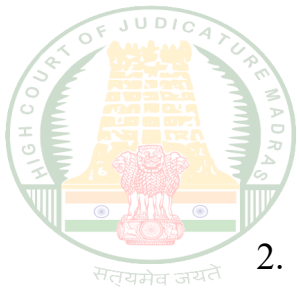
Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to remove the cell phone tower and other attached equipments completely from petitioner's property situated at Maramangalathupatti Village, Salem West Taluk, Salem District comprised in Survey Nos. 70/1 and 70/2 within a period as may be fixed by this Court by considering petitioner's representation dated 17.11.2025.

For Petitioner(s): Mr.R.Dilli Kumar

For Respondent(s): Mr.P.Elaya Rajkumar
Govt Counsel for R1 to R5

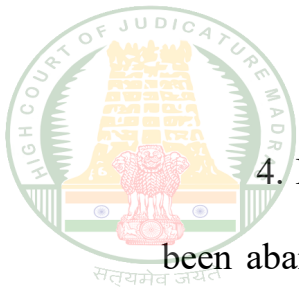
ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to the respondents 6 to 8 is dispensed with.



2. The present writ petition has been filed praying for a writ of Mandamus to direct the respondents 2 and 3 to remove the cell phone tower and other attached equipments completely from petitioner's property situated at Maramangalathupatti Village, Salem West Taluk, Salem District comprised in Survey Nos. 70/1 and 70/2, by considering petitioner's representation dated 17.11.2025.

3. Learned counsel for petitioner would submit that an agreement was entered into with the seventh respondent leasing about 0.11.2 cents vide the lease deed dated 13.03.2003, for a period of 15 years at a monthly license fee of Rs.3,000/- with 15% increase for each year. The said lease was registered as document No.539/2003. After obtaining requisite approvals, a Cellular Mobile Transmitting Equipment comprising a shelter, tower, Antenna etc., were erected. He would submit that some time in the year 2018, the seventh respondent became bankrupt and closed its operations. Pursuant to the directions issued by the Telecom Regulatory Authority of India, the seventh respondent allowed its subscribers to port their numbers to other networks. Subsequently, the electricity connection to the cell phone tower was disconnected on 21.02.2018.



4. Learned counsel for petitioner further would submit that the tower has been abandoned for over eight years and the iron pillars supporting the tower have rusted and in a dilapidated condition posing danger to the general public. It is in such circumstances, petitioner submitted a representation dated 15.10.2025 to respondents 1, 3, 4 to 7, seeking removal of the abandoned tower, followed by another representation dated 17.11.2025. Pursuant thereto, the Revenue Officials had visited petitioner's property and inspected the Telecom Tower. However, there has been any action since.

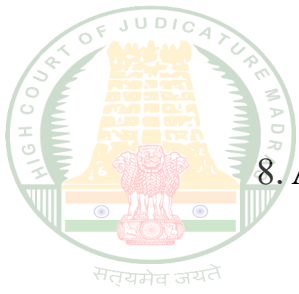
5. Learned counsel for petitioner placed reliance on the Tamil Nadu Telecom Infrastructure Policy, 2022, more particularly, Chapter VII Paragraph 21(c), wherein it was stated that if any telecom infrastructure is abandoned, the District Level Telecom Committee shall have the authority to take appropriate action as deemed appropriate including issuing directions to the owner of the infrastructure to remove it at their cost. The relevant portion is extracted hereunder:

“(c) For any existing Underground/Overground Telegraph Infrastructure in the State which has been abandoned by a telecom operator/infrastructure provider/applicant, the District Level Telecom Committee of the respective District shall have exclusive authority to take necessary action as deemed appropriate including issuing directions to the owner of the infrastructure to remove it at their cost.”



6. From a reading of the above policy, it is evident that petitioner herein ought to have made a representation to the District Level Telecom Committee for redressal of his grievance. When the same was pointed out to learned counsel for petitioner that the representation have not been made thus far to the District Level Telecom Committee, who is the appropriate authority in terms of the above policy to take a decision on the abandoned telecom structure, he would request that petitioner may be granted liberty to submit his representation before the District Level Telecom Committee.

7. In view of the above submission, it is open to petitioner to submit a representation before the District Level Telecom Committee seeking removal of the abandoned cell phone tower. On receipt of such representation, the above Committee shall consider the same and pass appropriate orders on merits and in accordance with law within a period of four (4) weeks from the date of submission of such representation, keeping in view the urgency of the matter and also the health hazard, according to petitioner, the dilapidated telecom structure poses to the public. The above exercise shall be completed, after issuing notice and after affording reasonable opportunity of hearing to petitioner, respondents 6, 7 and 8 and any other interested persons.



8. Accordingly, the writ petition stands disposed of. No costs.

23-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ANU

To

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Taluk office,
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MOHAMMED SHAFFIQ, J.

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