



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.14363 of 2017 and
W.M.P. (MD) .No.11255 of 2017

A.S.Natarajan

.. Petitioner

Vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.
4. The Executive Officer,
Alwarkurichi Town Panchayat,
Alwarkurichi, Tirunelveli District.
5. M/s.Indus Towers Limited,
5(NP) Espee I.T.Partk, V Floor,
Jawaharlal Nehru Road,
Ekattuthangal, Chennai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from erecting Cell Phone Tower in the residential area in the property in Survey S.F.No.1430/1A situated at 15th Ward, Sivasailam Road, Alwarkurichi, Tirunelveli District, on the basis of petitioner's representation dated 13.04.2017.

For petitioner : Mr.K.Prabhu
For respondents 1to3 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
For Respondent No.4 : Mr.K.P.Krishnadoss
Standing Counsel

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]



situated at 15th Ward, Sivasailam Road, Alwarkurichi, Tirunelveli District.

2. The affidavit filed in support of the Writ Petition does not contain any indication that the fifth respondent is contemplating to erect the Cell Phone Tower in violation of the statutory provisions. There is no question of issuing a Mandamus, unless it is demonstrated that there is a duty cast on the respondents 1 to 4 to prevent the fifth respondent from erecting the Cell Phone Tower. Since no materials are available on record, we are not in a position to entertain the Writ Petition.

3. In the result, the Writ Petition is dismissed. However, we make it clear that this order would not stand in the way of the villagers from approaching the appropriate authority, in case nuisance is caused on account of the erection of Cell Phone Tower. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.
3. The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.
4. The Executive Officer,
Alwarkurichi Town Panchayat,
Alwarkurichi, Tirunelveli District.

+ 1 CC TO Mr.K.PRABHU, ADVOCATE IN SR No. 70353
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70598

NB

TE/MR-KKR/SAR-IV : 11/08/2017 : 2P/7C