



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **04.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P. (MD) No.1438 of 2017

WEB COPY

Selva Gandhi

: Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Kulithalai,
Karur District.

2. The Municipal Commissioner,
Kulithalai Municipality,
Kulithalai,
Karur District.

3. Smt.Usha Srimathi

4. The Indus Towers Limited,
No.5, ESPE IT Park, 5th Floor,
Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai-32.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the cell phone tower erected in the petitioner street at Survey No.42/2, Vaigai Nallur Agraharam, Kulithalai Town, Karur District.

For Petitioner : Mr.R.Murugappan

For Respondent No.1: Mr.M.Govindan,
Special Government Pleader

For Respondent No.2: Mr.M.Rajarajan

For Respondent No.3: No Appearance

For Respondent No.4: Mr.M.Ponniah

O R D E R

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

The petitioner filed this Writ Petition to direct the first and second respondents to remove the cell phone tower erected near the property at Survey No.42/2, Vaigai Nallur Agraharam, Kulithalai Town, Karur District.



2. The erection of cell phone tower is permitted by the Government by order dated 26 March, 2009. There is no challenge to the Government Order permitting such erection. We are, therefore, of the view that the petitioner has not made out a case for issuing a Writ of Mandamus.

3. In the upshot, we dismiss the Writ Petition. However, we make it clear that this order would not stand in the way of the petitioner from taking appropriate action in accordance with law. No costs.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To:

The Revenue Divisional Officer,
Revenue Divisional Office,
Kulithalai, Karur District.

+1 CC to M/s.M.RAJARAJAN, Advocate, SR No. 63437/17.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 63692/17.

SML

PSM/SV/SAR1/11.07.2017/2P/4C

Order made in
W.P. (MD) No. 1438 of 2017
Dated: 04.07.2017