

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.31906 of 2019

Indus Towers Limited,
Rep.by its Authorized Signatory
Mr.S.Prasanna,
No.5, ESPEE IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai - 600 097.

..Petitioner

vs.

1.The District Collector,
Nagapattinam District.

2.The Tahsildar,
Sirgazhi Taluk,
Nagapattinam District.

3.The Superintendent of Police,
Nagapattinam District.

4.The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue Writ of Mandamus, directing the 1st respondent to permit the mobile phone tower erection and operation work of the petitioner at the premises at No.19/14, Kaivilancherry Main Road, Thenpathi, Sirkali, Nagapattinam, 609 111 in accordance with the petitioner's representation dated 30.09.2019, and direct the 3rd and 4th respondents to provide necessary police protection to the petitioner for their mobile phone tower work in the said premises.

For Petitioner : Mr.S.Anil Sandeep

For Respondents: Mr.N.Inbanathan for R1 to R4

Mr.G.Pavendhan for R5
(impleading party)

O R D E R

On 30.09.2019, the writ petitioner herein had given a representation to the District Collector, Nagapattinam District, with respect to installation of mobile phone towers installation at SF No.113/1 (TS No:2) No.19/14 B, Kaivilanchery, Main Road, Thenpathi, Sirvali, Nagapattinam. The petitioner claims to be a Telecom Infrastructure Service provided regulated by the Department of Telecommunication, Ministry of Communications and Information Technology, Government of India. They further claimed to be carrying the business of Operation and Maintenance of Mobile phone towers which provides services. It is stated that the petitioner, to facilitate the public to avail the telecom facilities, seeks to erect tower after entering into agreement by name Mr.R.Jayaraman at the address mentioned above. The petitioner wanted to install a mobile phone tower and claimed that they would follow all the rules and regulations of the Department of Telecommunication. However, it is stated that there was protest raised by the general public.

2. The learned counsel for the petitioner stated that the Government Orders in which he had obtained permission, generally envisage examining the safety of law and order as a condition precedent to consider mobile phone towers can be installed or not. However, the relevant factors should be considered by a District Collector to decide where a mobile phone tower can be installed in a particular place. However, the voice of the people will have to be heard and addressed by the District Collector. This is of much paramount importance.

3. It is stated by the learned counsel for the petitioner that judicial wisdom had never envisaged situation where the petitioner or other Government agencies should ever consider the representations of the general public.

4. I would state very vehemently that judicial wisdom should be to ensure that the representations of the people in the local areas are not neglected. They are also living there and their voices must be heard and answered. The District Collector must give opportunity to the petitioner and also to another persons who raise objections and thereafter consider and pass necessary orders. The petitioner may substantiate his case by placing his submissions and anybody objecting to the same can also raise objections for locating the mobile phone tower. On the basis of the enquiry conducted, the District Collector is directed to pass considered orders with reasons. The enquiry may be conducted over the period of next two months and the District Collector may pass considered orders on or before 29.02.2020.

5. It is stated that in W.P.M.P.No.36013 of 2019 in W.P.No.31906 of 2019, petitioner has been impleaded, which is not in the list. However, the impleading petitioner may also participate in the enquiry to be conducted by the District Collector.

6. The petitioner may give a fresh representation to the District Collector in this regard, so that the Collector may address the factors involved in erecting the mobile phone tower in the said area and pass orders.

7. With the above observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

1.The District Collector,
Nagapattinam District.

2.The Tahsildar,
Sirgazhi Taluk,
Nagapattinam District.

3.The Superintendent of Police,
Nagapattinam District.

4.The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.

+1cc to Mr.G.Pavendhan, Advocate SR.105487

+2cc to Mr.S.Anil Sandeep, Advocate SR.105890

+1cc to the Government Pleader SR.106280

MR(CO)
CB(11/02/2020)

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