



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.6440 of 2019
and
W.M.P. (MD) No.5147 of 2019

S.S.Nagar Kudiyuryppor Nala Sangam
rep. by its President
K.Jeyaram,
NO.6/2-27, S.S.Naar,
Singampuneri,
Sivagangai District - 630 502.

... Petitioner

-vs-

1.The District Collector,
Collectorate,
Singampuneri,
Sivagangai District.

2.The Tahsildar,
Singampuneri Taluk,
Sivagangai District.

3.The Executive Officer,
Selection Grade Town Panchayat,
Singampuneri Taluk,
Sivagangai District.

... Respondents

PRAYER: Petition is are filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents not to permit erection of any cell phone tower within the residential area of S.S.Nagar, Singampuneri - 630 205, Sivagangai District within the time stipulated by this Court.

For Petitioners : Mr.S.Louis

For Respondents : Mr.A.Muthukaruppan, AGP for RR1 and 2
Mr.A.K.Baskarapandian, Spl.G.P.
For RR3

**O R D E R**

[Order of the Court was made by N.KIRUBAKARAN, J.]

The petitioner has come before this Court with this petition by way of Public Interest Litigation to direct the respondents not to permit erection of cell phone tower in S.S.Nagar Kudiyuruppu, Singampuneri, in which around 150 families are residing.

2. There are two Government Higher Secondary Schools, one for boys and one for girls apart from Government Primary School in S.S.Nagar, Singampuneri. However, in the middle of the residential area, in a vacant plot, an attempt was made to erect cell phone tower and the same was thwarted by the people by agitation. Therefore, the said cell phone company abandoned the project of erection of cell phone tower in the residential area.

3. Now, the petitioner apprehends that there is a likelihood of erection of cell phone tower near the residential area and therefore, they have given a representation on 07.03.2019. However, no order has been passed, which compelled the petitioner to come before this Court.

4. Heard Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the respondent No.3.

5. Taking into consideration the fact that earlier there was an attempt by the cell phone company to erect cell phone tower near the residential area, the respondents are directed to act as per the guidelines of the Tele Communication Department and there cannot be any erection of cell phone towers within 100 meter radius from the residential area and the respondents are also directed to follow the Rules, if any application is made for erection of cell phone towers.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

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+1 CC to M/s.S.LOUIS, Advocate SR-55266

**W.P. (MD) No.6440 of 2019
and
W.M.P. (MD) No.5147 of 2019**

Arul
SP/PK/03.04.2019 : 3P/5C

19.03.2019