



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) Nos.21418 of 2017, 22845 of 2018 and 19309 of 2019
and W.M.P. (MD) No.15728 of 2019 in W.P. (MD) No.19309 of 2019

W.P. (MD) No.21418 of 2017:

M/s.Reliance Jio Infocomm Limited,
Having its Circle office at
A1 tower 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004,
Represented through its Legal Manager

... Petitioner

-vs-

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Nanguneri Sub Division,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.
- 4.Kumar
- 5.Mambo Nachiar
- 6.Mupidathiammal
- 7.Mariammal
- 8.Mathi Alagurani
- 9.Esakiammal
- 10.Natarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to provide effective police protection for erection of transmission cell phone tower and to install the telecommunication electrical and electronics equipments, OFC cable and the maintenance work on the said BTS Transmission Tower at Maruthakulam, Nanguneri, Tirunelveli District.



For petitioner : Mr.R.G.Shankar Ganesh
For Respondents 1 to 3 : Mr.A.K.Baskarapandian
Special Government Pleader
For Respondents 4 to 7, : Mr.T.Ponramkumar
9 & 10
For 8th Respondent : No appearance

W.P. (MD) No.22845 of 2018:

M/s.Reliance Jio Infocomm Limited,
Represented through its Legal Manager
D.Kalaimani, Having its Circle office at
A1 tower 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

... Petitioner

-vs-

The Inspector of Police,
Palayamkottai Taluk Police Station,
Tirunelveli District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to provide effective police protection for erection of transmission cell phone tower and to install the telecommunication electrical and electronics equipments, OFC cable and the maintenance work on the said BTS Transmission Tower at old No.331/2, Present Sub Division S.No.331/2A1, Kilantham Village, Palayamkottai Taluk, Tirunelveli District.

For petitioner : Mr.R.G.Shankar Ganesh
For Respondent : Mr.A.K.Baskarapandian
Special Government Pleader

W.P. (MD) No.19309 of 2019:

M.Subbiah

... Petitioner

-vs-

1.Union of India, Rep. by its Secretary,
Department of Telecommunications,
Ministry of Information Technology,
Sanchar Bhawan, 20, Ashoka Road,



- New Delhi - 110 001.
- 2.The Chairman,
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi - 110 002.
 - 3.M/s.Reliance Jio Infocommunication Limited,
Having its Circle office at
A1 tower 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
 - 4.The Government of Tamilnadu,
Rep. by its Secretary,
Information Technology Department,
Secretariat, St. George Fort,
Chennai - 09.
 - 5.The Government of Tamilnadu,
Rep. by its Additional Chief Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, St. George Fort,
Chennai - 09.
 - 6.The District Collector,
Office of the District Collector,
Tirunelveli District,
Tirunelveli.
 - 7.The Block Development Officer,
Kadayanallur, Tirunelveli District.
 - 8.The District Pollution Control Engineer,
Tamilnadu Pollution Control Board,
30/2, SIDCO, Industrial Estate,
Pettai, Tirunelveli District.
 - 9.The Sub Inspector of Police,
Chokkampatti Police Station,
Chokkampatti,
Kadayanallur Taluk,
Tirunelveli District.
 - 10.M.Sivakumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents 1 to 8 to remove the Cell Phone Tower installed by the 3rd Respondent at Sr.No.103/12, (Patta No.3249), Poganallur Village, Kadayanallur Taluk, Tirunelveli District and consequentially direct the respondents 1 to 2 and 4 to 9 not to grant permission for construction, erection, commissioning or functioning of any cell phone tower in and around Poganallur Village, Kadayanallur Taluk,



Tirunelveli District in violation of law and guidelines in this regard.

For petitioner : Mr.A.Edwin Prabakar
For 1st Respondent : Mr.D.Saravanan
For 2nd Respondent : Mr.S.Jeyasingh
For 3rd Respondent : Mr.R.G.Shankar Ganesh
For Respondents 4 to 6 & 9 : Mr.A.K.Baskarapandian
Special Government Pleader
For 7th Respondent : Mr.V.Anand
For 8th Respondent : Mr.V.Vasanthakumar

COMMON ORDER

[Order of the Court was made by T.S.SIVAGNANAM, J.]

These three Writ Petitions are tagged together because the issue involved is one and the same.

2.W.P.(MD) No.19309 of 2019 has been filed as a Public Interest Litigation, seeking direction to the Respondents 1 to 8 to remove the Cell Phone Tower installed by M/s.Reliance Jio Infocommunication Ltd., and W.P.(MD) No.21418 of 2017 and W.P.(MD) No.22845 of 2018 are filed by the said Telecom Company to provide Police Protection to erect Cell Phone Towers.

3.The facts remain that as on date the Towers have been erected and functioning. Very recently a Division Bench of this Court has passed an order stipulating certain conditions and norms for erection of Cell Phone Towers. Therefore, at this juncture, without conducting appropriate inspection we cannot direct removal of the Cell Phone Towers. Therefore, we direct the District Collector, Tirunelveli to nominate one of his subordinate to conduct spot inspection after notice to the Cell Phone Company and private respondents and writ petitioner in W.P.(MD) No.19309 of 2019 and based on the inspection report, the District Collector, Tirunelveli is directed to take an informed decision in the matter. This direction shall be complied with within 8 weeks from the date of receipt of a copy of this order.

4.These Writ Petitions are disposed of accordingly.



Consequently, W.M.P.(MD) No.15728 of 2019 in W.P.(MD) No.19309 of 2019 is closed. No costs.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

sj

To

- 1.The Secretary,
Department of Telecommunications,
Ministry of Information Technology,
Union of India,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi - 110 001.
- 2.The Chairman,
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi - 110 002.
- 3.The Secretary,
Information Technology Department,
Government of Tamilnadu,
Secretariat, St. George Fort,
Chennai - 09.
- 4.The Additional Chief Secretary,
Rural Development and Panchayat Raj Department,
Government of Tamilnadu,
Secretariat, St. George Fort,
Chennai - 09.
- 5.The District Collector,
Tirunelveli District,
Tirunelveli.
- 6.The Superintendent of Police,
Tirunelveli District.
- 7.The Deputy Superintendent of Police,
Nanguneri Sub Division,



Tirunelveli District.

8.The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.

9.The Inspector of Police,
Palayamkottai Taluk Police Station,
Tirunelveli District.

10.The Sub Inspector of Police,
Chokkampatti Police Station,
Chokkampatti,
Kadayanallur Taluk,
Tirunelveli District.

+1cc to Mr.R.G.Shankar Ganesh, Advocate, SR No.99476
+1cc to Mr.T.Pon Ramkumar, Advocate, SR No.99893
+1cc to Mr.S.Jeyasingh, Advocate, SR No.99277
+1cc to Mr.D.Saravanan, Advocate, SR No.99402
+1cc to M/s.Spl GP, SR No.99541

W.P. (MD) Nos.21418 of 2017, 22845 of 2018 and 19309 of 2019
18.11.2019

KK/SAR/06.12.2019/6P-15C/