



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2019**

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI**

W.P.(MD).No.20150 of 2019

and

W.M.P.(MD).No.16694 of 2019

A.Thomas Rajan

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department,
Chennai.

2.The District Collector,
Trichy District,
Trichy.

3.The Commissioner,
Manapparai Municipality,
Trichy District.

4.The Inspector of Police,
Manapparai Police Station,
Trichy.

5.M/s.Bharathi Airtel Limited,
Rep. Through its Legal Manager,
Having its Circle office at
101, Bharathi Towers,
Santhome High Road,
Chennai.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 4 to prevent the 5th respondent from installing Mobile Phone Tower without obtaining permission and clearance from the respondent Nos.1 to 3 SF 691/10, Sevaloor Village, Manapparai Municipal Town, Trichy District.



For Petitioner : Mr.M.Karthikeya Venkatachalapathy
For R2 & R4 : Mr.A.Muthukaruppan
Additional Government Pleader
For R3 :Mr.J.Lawrance,
Standing Counsel
For R5 :Mr.K.Govindarajan

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.M.Karthikeya Venkatachalapathy, learned counsel appearing for the petitioner and Mr..A.Muthukaruppan, learned Additional Government Pleader appearing for the respondent Nos.2 and 4 and Mr.J.Lawrance, learned Standing Counsel for the fourth respondent and Mr.K.Govindarajan, learned Counsel for the fifth respondent.

2.By consent of either side, this writ petition is taken up for disposal.

3.The petitioner seeks for a direction to the respondent Nos.1 to 4 to prevent the fifth respondent from installing a Mobile Phone Tower without obtaining appropriate permission and clearance.

4.The procedure to be adopted prior to the erection of a Mobile Phone Tower was subject matter of litigation before this Court and the Division Bench of this Court has given necessary guidelines. The Government of Tamil Nadu has also passed necessary orders directing that permission should be obtained from the appropriate authority. It is not clear as to whether the fifth respondent has obtained any such permission.

5.Be that as it may, if it is brought to the notice of the third respondent Municipality that there is a proposal to erect a Cell Phone Tower by any of the Mobile Phone Companies, the Municipality should issue notice pointing out the procedure to be followed.

6.Since we are disposing of the writ petition without notice to the fifth respondent, we direct the third respondent Municipality to issue notice to the fifth respondent within three days from today indicating as to what procedure to be followed and after due compliance of the procedure, necessary permission may be granted for erection of the Mobile Phone Tower.



7. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

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/TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu
Municipal Administration and
Water Supply Department,
Chennai.
2. The District Collector,
Trichy District,
Trichy.
3. The Commissioner,
Manapparai Municipality,
Trichy District.
4. The Inspector of Police,
Manapparai Police Station,
Trichy.

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-87828[F] dated 19/09/2019)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-88009[F] dated 20/09/2019)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-88102[F] dated 20/09/2019)

+1 CC to M/s.SPL GP (SR-88377[F] dated 20/09/2019)

W.P. (MD) .No.20150 of 2019

and

W.M.P. (MD) .No.16694 of 2019

19.09.2019

ns

JM/20.09.2019/3P/9C