



WEB COPY

W.P.(MD)No.22730/2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.22730 of 2019

and

W.M.P. (MD)No.19478 of 2019

V.Ravi

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur-612 001.

2.The Revenue Divisional Officer,
Thanjavur, Thanjavur District.

3.The Thasildar,
Thanjavur-613 001.

4.The Panvhayat President,
Maariamman Kovil Panchayat,
Thanjavur.

5.The Superintendent of Police,
Thanjavur.

6.Natarajan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents herein to shift the location of the Mobile Phone Tower being erected in the midst of houses in Managalasamy Nagar, Thangaiya Nagar, Parthiban Nagar, Mariamman Kovil Panchayat limits, Thanjavur to some other place, which do not affect the public safety and public health by considering the objections dated 03.09.2019 within the time limit fixed by this Court.

For Petitioner : Mr.M.Dinesh

For R1 to R3 : Mr.A.K.Baskara Pandian
Special Government Pleader

For R4 : Mr.M.Jeya Kumar



ORDER

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

Heard Mr.M.Dinesh, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents 1 to 3 and Mr.M.Jeya Kumar, learned counsel for the fourth respondent. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner seeks for a direction to shift the mobile phone tower, which is erected in the midst of housing layout.

3. *Prima facie*, we are of the view that there is some dispute between the petitioner and the sixth respondent. Be that as it may, any person, who is erecting a cell phone tower as of now has to abide by the order and direction in W.P.(MD)No.15974 of 2017, dated 29.08.2019, which was passed taking note of the direction issued in earlier writ petition and also the directions issued by the Government of Tamil Nadu. In this writ petition, we cannot issue any positive direction because the petitioner has not impleaded the company, which is going to establish the cell phone tower. Needles to state that the authorities should ensure that the cellphone company complies with the directions issued in the writ petition. Accordingly, this writ petition is dismissed.

4. In view of the above, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Thanjavur District,
Thanjavur-612 001.

2.The Revenue Divisional Officer,
Thanjavur, Thanjavur District.

3.The Thasildar,
Thanjavur-613 001.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Panvhayat President,
Maariamman Kovil Panchayat,
Thanjavur.

5.The Superintendent of Police,
Thanjavur.

+1 CC to SPL GP (SR-94906[F] dated 30/10/2019)

W.P (MD) No.22730 of 2019
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VB(14.11.2019) 3P 7C