



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P(MD)NO.23002 OF 2019
and
W.M.P(MD)No.19742 of 2019**

Xavier Peter Prabhu

:Petitioner

.vs.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Superintendent of Police,
Dindigul District.
- 3.The Commissioner,
Dindigul Municipal Corporation, Dindigul.
- 4.The Managing Director,
Bharathi Airtel Limited,
No.101, Bharathi Towers,
Santhome High Road,
Santhome, Chennai.
- 5.V.Arockiasamy

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents, their men and agents from erecting any Cell Phone Tower amidst or in the vicinity of the residential area located in the property comprised near Punitha Xavier Middle School, Vistharapu Area, Ward No.45, Dindigul on the basis of the Petitioner's representation dated 22.10.2019.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.A.K.Baskarapandian
1 and 2 Special Govt.Pleader

For Respondent-3 : Mr.J.Lawrance



O R D E R

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

We have heard Mr.N.Balasubramanian, learned counsel appearing for the Petitioner and Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.J.Lawrance, learned counsel who accepts notice for the third respondent. In the light of the order we propose to pass in this Writ Petition designed as a 'Public Interest Litigation', we dispense with notice to the respondents 4 and 5.

2.The Petitioner has a grievance with regard to the erection of Mobile Phone Tower by the fourth respondent/ company in the land owned by the fifth respondent. The Petitioner is a resident of the said area. According to the Petitioner, the said Mobile Phone Tower is proposed to be erected in a residential area which would endanger the life and limb of the residents of the said area, which would result in various other complications. The question as to whether any policy was put in place with regard to how the Mobile phone Towers are to be erected, came up for consideration before the Honourable Division Bench in a batch of Writ Petitions in **W.P (MD)Nos.15974 of 2019 and connected cases in Manivannan .vs. The District Collector, Tuticorin District, Tuticorin and others** and the Honourable Division Bench by common order, dated 29.8.2019, has issued comprehensive directions. It is not clear as to whether the fourth respondent company is aware of the said directions which has been issued by this Court. The proposed location of the mobile phone tower falls within the jurisdiction of the third respondent/The Dindigul Municipal Corporation.

3.Therefore, we direct the third respondent/The Dindigul Municipal Corporation, Dindigul to issue notice to the respondents 4 and 5 indicating the procedure that they have to adopt before erection of a Mobile Phone Tower and direct the respondents 4 and 5 to comply with the said requirements before taking steps for erection of the Mobile Phone Tower.

4.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Superintendent of Police,
Dindigul District.
- 3.The Commissioner,
Dindigul Municipal Corporation,
Dindigul.

+1CC TO MR.N.BALASUBRAMANIAN, Advocate Sr. No.95400
+1CC TO MR.J.LAWRANCE, Advocate Sr. No.95399
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 95476

ORDER MADE IN
W.P (MD) NO.23002 OF 2019
and
W.M.P (MD) No.19742 of 2019
31.10.2019

NS (CO)
TR(12.11.2019) 3P 7C