



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 13.11.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**

**and**

**THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P.[MD]No.23907 of 2019**

**and**

**W.M.P.[MD]No.20526 of 2019**

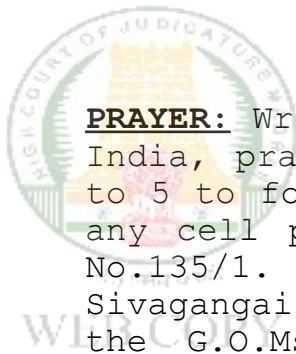
S.K.Saravanan

: Petitioner

Vs.

- 1.The District Collector,  
Sivagangai District,  
Sivagangai.
- 2.The Revenue Divisional Officer,  
O/o. Revenue Divisional Officer,  
Devakottai.
- 3.The Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.
- 4.The Commissioner,  
Karaikudi Municipality,  
Sivagangai District.
- 5.Sri Suyamprakashwarar Devasthanam,  
Rep. by its Fit Person,  
Iluppakkudi,  
Karaikudi,  
Sivagangai District.
- 6.Vellaisamy
- 7.Karuppiah @ Bose
- 8.M/s.Indus Towers Limited,  
Rep. by its Manager,  
Espee IT Park, 5 (N.P.), 5<sup>th</sup> Floor,  
Jawaharlal Nehru Road,  
Ekkatuthangal,  
Chennai - 600 032.

: Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 to 5 to forbear the eighth respondent from installing and operating any cell phone tower in the land in old T.S.No.415/9 situated at No.135/1. Muthuramanlingam Nagar, Railway Feeder Road, Karaikudi, Sivagangai District without permission of District Collector as per the G.O.Ms.No.2 Department of Information Technology Department dated 01.04.2002.

For Petitioner : Mr.T.Lajapathi Roy  
For Respondents 1 to 3 : Mr.A.Muthukaruppan  
Additional Government Pleader  
For Respondent No.4 : Mr.P.Mahendran  
For Respondent No.8 : Mr.K.Govindarajan

### **O R D E R**

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

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.T.Lajapathi Roy, learned Counsel appearing on behalf of the petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing on behalf of respondents 1 to 3, Mr.P.Mahendran, learned Counsel appearing on behalf of the fourth respondent and Mr.K.Govindarajan, learned Counsel appearing on behalf of the eighth respondent.

3.The petitioner seeks for a direction forbearing the eighth respondent from installing and operating any cell phone tower in the land in old T.S.No.415/9 situated at No.135/1, Muthuramanlingam Nagar, Railway Feeder Road, Karaikudi, Sivagangai District without the permission of the District Collector as per G.O.Ms.No.2 Department of Information Technology dated 01.04.2002.

4.The eighth respondent proposes to erect a mobile phone tower in the land comprised in T.S.No.415/9 situated at No.135/1, Muthuramanlingam Nagar, Railway Feeder Road, Karaikudi, Sivagangai District.

5.The allegation is that no permission has been obtained from the concerned authorities. In fact, similar writ petitions were considered by the Hon'ble Division Bench in the case of **Manivannan Vs. The District Collector, Tuticorin District and others in W.P. [MD]Nos.15974 of 2017 etc., batch, dated 29.08.2019**. In the said order, directions have been issued to the mobile phone companies to comply with certain formalities. Therefore, we dispose of this writ petition by directing the eighth respondent to approach the



concerned authority namely, the first respondent and obtain the requisite permission and if any such application is made, the first respondent shall consider the same and pass orders within four [4] weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,  
Sivagangai District,  
Sivagangai.

2. The Revenue Divisional Officer,  
O/o. Revenue Divisional Officer,  
Devakottai.

3. The Tahsildar,  
Karaikudi Taluk,  
Sivagangai District.

4. The Commissioner,  
Karaikudi Municipality,  
Sivagangai District.

+1 CC to M/s.P. MAHENDRAN, Advocate ( SR-97937[F] 13/11/2019 )  
+1 CC to M/s.K.GOVINDARAJAN, Advocate ( SR-98127[F] 14/11/2019 )  
+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-98196[F] 14/11/2019 )  
+1 CC to M/s.Special Government Pleader ( SR-98385[F] 14/11/2019 )

Order made in

**W.P.[MD]No.23907 of 2019**

Dated: 13.11.2019

MR

SDS (13.12.2019) 3P 9C