



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 30.09.2020  
CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

WEB COPY

W.P.(MD)Nos.11251 & 11671 of 2020  
and  
W.M.P(MD) Nos.9834 & 10164 of 2020

T.Nivetha ... Petitioner in WP(MD)No.11251 of 2020

V.Kannan ... Petitioner in WP(MD)No.11671 of 2020

Vs.

1.The District Collector  
Collectorate Office, Dindigul.

2.The Commissioner  
Dindigul Corporation, Dindigul.

3.M/s.ATC Telecom Infrastructure Private Ltd.,  
Circle Office at Celestial Point,  
No.45, Dhamodharan Street,  
Opposite to T.Nagar Bus Stand, T.Nagar, Chennai - 17.

4.Mohamed Bilal ... Respondents in both petitions

**Prayer in W.P(MD)No.11251 of 2020:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 and 2 to restrain the Respondents No.3 and 4 from erecting the cell phone tower in the western side of Petitioner's house most particularly described as T.S.No.28 situated in Sivaji Nagar, 3rd Street, Dindigul in an unlawful manner without the required permissions by considering the Petitioner's objection dated 24.08.2020 and 01.09.2020.

**Prayer in W.P(MD)No.11671 of 2020 :** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 and 2 to consider the representation dated 01.09.2020 sent by the petitioner and issue necessary order forbearing the Respondents No.3 and 4 their agents and persons claiming through them or any other person from erecting / commissioning high raise cell phone Transmission Tower in the western side of the petitioner's house most particularly described as D.No.75A, T.S.No.730/8. Re 730/8J, East side Muthu Nagar, Chettinayakanpati Road, Ward No.1, Dindigul Town, Joint II SRO and Registration District.



For Petitioner in WP(MD) No.11251 of 2020 : Mr.M.Ajmal Khan  
For Petitioner in WP(MD) No.11671 of 2020 : Ms.D.Anitha  
For R-1 in WP(MD) No.11251 of 2020 : Mr.R.Rajarajan,  
Additional Government Pleader.  
For R-1 in WP(MD) No.11671 of 2020 : Mr.P.Mahendran  
Additional Government Pleader.

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For R-2 in both petitions : Mr.R.Lawrance,  
Standing Counsel

For R-3 in both petitions : Mr.M.Karalmarx

**COMMON ORDER**

Heard, the learned counsel on either side.

2.It is seen that the writ petitioners are aggrieved by the proposed move of the private respondents to erect mobile phone tower in the site adjacent to their respective houses.

3.The learned counsel for the respondents inform this court that the Hon'ble Division Bench in the decision reported in 2019 (6) MLJ 641 (Manivannan Vs. District Collector, Tuticorin District and others), has held that the service providers must obtain permission from the District Collector, as per G.O.Ms. No.2, Information Technology Department, dated 01.04.2002.

4. In the case on hand, it appears that the private respondents herein have applied to the District Collector, Dindigul, but they are yet to obtain permission. Till such permission is obtained, the private respondents will not be authorised to go ahead with the existing works. It is of-course open to the petitioners herein to place their concerns before the District Collector, Dindigul, who will of-course consider them before passing orders on the application submitted by the service providers.

5. As rightly contended by the learned counsel for the respondents, once the District Collector gives clearance, the petitioners may be not have any further say thereafter.

6. These writ petitions are disposed of, on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

**To:**

1.The District Collector  
Collectorate Office,  
Dindigul.

2.The Commissioner  
Dindigul Corporation,  
Dindigul.

+1 CC to M/s.Special Govt.Pleader ( SR-18707 & 19054 )

+1 CC to M/s.K. CHENGIZ KHAN, Advocate ( SR-18815 )

+1 CC to M/s.D.ANITHA , Advocate ( SR-18610 )

+2 CC to M/s.J. LAWRANCE, Advocate ( SR-18937 & 18938 )

**W.P. (MD)Nos.11251 & 11671 of 2020**  
**30.09.2020**

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SDS (13.10.2020) 3P-8C