



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.16281 of 2021

Gandhi

...Petitioner

Vs

1. The District Collector,
Tirupathur District,
Tirupathur.
2. The Tashildar,
Tirupathur Taluk office,
Tirupathur District.
3. The Block Development Officer,
Jolarpettai,
Tirupathur District.
4. The Sub-Inspector of Police,
Jolarpettai Police Station,
Tirupathur District.
5. Reliance Jio Infratel Pvt Limited,
A1 Towers, No.89-91, Radha Krishnan Salai,
Mylapore,
Chennai - 600 004.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to direct the respondents 1 to 4 to forbear the 5th respondent from erecting transmission Reliance JIO cell phone tower and from installing all the telecommunication electrical and electronics equipment, OFC Cable and its maintenance work on the said transmission Tower amidst the residential area, in particular in the property in Survey No.44/4, situating in Elagiri Village, Thirupathur Taluk, Thirupathur District by considering the petitioner's representation dated 02.07.2021.



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For the Petitioner : Mr.P.Sureshkumar
For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 to 4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The grievance of the petitioner is in the construction of a cell phone tower in Elagiri Village of Tirupathur Taluk of Tirupathur District.

2. There is a previous Bench decision of this court to the effect that, ordinarily, a citizen cannot complain of a cell phone tower being set up, though a representation as to the exact place where the tower may be set up may be entertained.

3. To the extent, the petitioner's grievance can be taken to be an objection as to the exact location of the cell phone tower, the petitioner is permitted to carry a representation to the District Collector, Tirupathur within a fortnight from date, whereupon the District Collector will issue appropriate directions in accordance with law and keeping in mind the provisions of the Indian Telegraph Act, 1885.

4. W.P.No.16281 of 2021 is disposed of. W.M.P.No.17233 of 2021 is closed. There will be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr
To:

1. The District Collector,
Tirupathur District,
Tirupathur.
2. The Tashildar,
Tirupathur Taluk office,
Tirupathur District.



3. The Block Development Officer,
Jolarpettai,
Tirupathur District.

4. The Sub-Inspector of Police,
Jolarpettai Police Station,
Tirupathur District.

+1 CC to The Government Pleader, Sr.No. 47573.

+5 Ccs to Mr.P.Sureshkumar, Advocate, Sr.No. 47717.

W.P.No.16281 of 2021

SJ(CO)
LS(23/09/2021)