



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,  
ACTING CHIEF JUSTICE

AND

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

W.P.No.26113 of 2021

K.Natarajan

.. Petitioner

Vs

1. The District Collector,  
Collectorate,  
Salem District.
2. The Tahsildar,  
West Salem,  
Salem District.
3. The Commissioner,  
Salem Municipal Corporation,  
Salem District.
4. M/s.Reliance Jio Infocomm Limited,  
rep. by its General Manager,  
its Circle Office at A1 Tower,  
8<sup>th</sup> Floor, 89-90, Dr.Radhakrishnan Salai,  
Mylapore, Chennai - 600 004.

5. E.Thangaraj

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 not to permit the fourth respondent to erect the Cell Phone Tower in the fifth respondent land in S.No.7/4 situated at Thaayangaradu Region, Meyyanoor, Salem District and consider the petitioner's representation dated 3.11.2021 and pass appropriate orders within the stipulated time period.

For the Petitioner : Mr.K.Nagendra Prasad



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For the Respondents : Mrs.R.Anitha  
Special Government Pleader  
for respondent Nos.1 to 3

ORDER

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

This writ petition has been filed by the petitioner to restrain the fourth respondent from erecting a cell phone tower in the land of the fifth respondent. It is alleged that the erection of cell phone tower is in violation of the Indian Telegraph Act, 1885 and the Rules framed thereunder. The writ petition has been filed by the petitioner without approaching the District Magistrate/District Collector in reference to Section 17(2) of the Indian Telegraph Act, 1885.

2. In view of the above, the petitioner is given liberty to approach the District Magistrate/District Collector in reference to his grievance and if the District Magistrate/District Collector is approached, he is directed to consider the matter as per law and pass a reasoned and speaking order within a reasonable time.

3. The writ petition is disposed of with the aforesaid observation and direction. No costs.

Sd/-  
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,  
Collectorate,  
Salem District.



2. The Tahsildar,  
West Salem,  
Salem District.

3. The Commissioner,  
Salem Municipal Corporation,  
Salem District.

+1cc to M/s.K.Nagendra Prasad, Advocate, S.R.No.65236

+1cc to the Government Pleader, S.R.No.68852

W.P.No.26113 of 2021

PMK (CO)  
SU (14/12/2021)