



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.P. (MD)No.1086 of 2021
and W.M.P. (MD) No.941 of 2021
(Through Video Conferencing)**

Ramasamy

: Petitioner

Vs.

1.The District Collector
Tenkasi District, Tenkasi.

2.The Tahsildar,
Tenkasi Taluk Office,
Tenkasi District.

3.The Block Development Officer,
Pavoorchathiram, Tirunelveli District

4.The Joint Chief Environmental Engineer's Office,
Tamilnadu Pollution Control Board,
Tirunelveli, Tirunelveli District.

5.Indus Towers Limited
ESPEE IT Park, NO.5, 5th floor
Jawaharlal Nehru Road, Ekkatuthangal
Chennai-601 032.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 4 to forbear the 5th respondent from installing the cell phone tower in the land in S.No.312/2 situating in keelapavoor village, Alangulam Taluk, Tenkasi District by considering the petitioner's representation dated 05.11.2020.

For Petitioner	: Mr.S.Alagu Sundar
For Respondents	: Mr.N.Shanmugaselvam for R1 to R3 Additional Government Pleader Mr. K.Govindarajan for R5 Ms. Porkodi Karnan for R4



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the official respondents and the learned counsel for the respondents 4 and 5.

2.The petitioner has come forward with this *pro bono* litigation inter-alia alleging that without permission and without complying with the norms required, the respondent No.5 is proceeding to put up the cell phone tower.

3.The learned counsel for the 5th respondent submitted that appropriate application has already been filed before the respondent No.1.

4.Considering the submissions made, we direct the respondent No.1 to pass appropriate orders on the representation of the petitioner dated 05.11.2020 vis-a-vis the application filed by the respondent No.5 within a period of four weeks from the date of receipt of a copy of this order. Inasmuch as the permission is yet to be obtained, the respondent No.5 shall not proceed with the construction till the same is granted by the respondent NO.1.

5. The writ petition stands disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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
Tenkasi District, Tenkasi.



2.The Tahsildar,
Tenkasi Taluk Office,
Tenkasi District.

3.The Block Development Officer,
Pavoorchathiram, Tirunelveli District

4.The Joint Chief Environmental Engineer's Office,
Tamilnadu Pollution Control Board,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-1993[F] dated
25/01/2021)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-2123[F] dated 27/01/2021
)

+1 CC to M/s.GP (SR-2408[F] dated 29/01/2021)

Order made in
W.P. (MD)No.1086 of 2021
Dated: 25.01.2021

smv (CO)
KK(09.02.2021) 3P 8C