



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.2677 of 2021

(Through Video Conferencing)

WEB COPY

Periyasamy

: Petitioner

Vs.

- 1.The Government of India
Ministry of Communication & IT
Department of Telecommunications,
713 Sanchar Bhawan Ashok road,
New Delhi.
- 2.The District Collector
Trichy District, Trichy.
- 3.The Revenue Divisional Officer,
Srirangam, Trichy District.
- 4.The Tahsildar,
Manapparai Taluk
Trichy District.
- 5.M/s.Indus Towers Limited
Having its circle office at 5(NP)
ESPEE, IT Park, 5th floor,
Jawaharlal Nehru Road,
Ekkattuthangal, Chennai.
Represented by its
Assistant Legal Manager,
S.Prasanna

6.Mahendiran

: 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 2nd respondent to forbear the respondent Nos.5 and 6 from erecting the cell phone tower in S.F.No.566/5C, Annavi Nagar, North Street, Sevalur Village, Manapparai Municipality, Manapparai Taluk, Trichy District.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mrs.L.Victoria Gowri,
Assistant Solicitor General for R1
Mr.K.P.Krishnadoss,
Special Government Pleader for R2 to R4
Mr.K.Govindarajan for R5



ORDER

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

The petitioner has come forward to file this writ petition seeking a writ of Mandamus to direct the respondent No.2 to forbear the respondent Nos.5 and 6 from erecting cell phone tower.

2. The learned counsel for the petitioner submitted that the proposed cell phone tower is in a thickly populated area and despite the objection given on 12.12.2020, the permission is likely to be given.

3. The learned counsel for the respondent No.5 submitted that the issue is no longer res integra, as the same has already been decided by this Court in **Manivannan v. District Collector, Tuticorin District [2019 (6) MLJ 641]**. The respondent No.5 has already made an application and the same is pending consideration with the respondent No.2.

4. Considering the above, we deem it appropriate to direct the respondent No.2 to take into consideration all the objections raised, if any, while considering the request of the respondent No.5 for granting license/permission.

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

Sd/-

Assistant Registrar ()

// 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 Government of India
Ministry of Communication & IT
Department of Telecommunications,
713 Sanchar Bhawan Ashok road,
New Delhi.

2.The District Collector
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3.The Revenue Divisional Officer,
Srirangam, Trichy District.

4.The Tahsildar,
Manapparai Taluk
Trichy District.

+1 CC to Mr.R.MAHESWARAN, Advocate (SR-4863[F] dated 12/02/2021)

+1 CC to SGP (SR-5143[F] dated 15/02/2021)

**Order made in
W.P. (MD)No.2677 of 2021
Dated: 12.02.2021**

KM (24.02.2021) 3P 7C