



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.5301 of 2021

and

W.MP(MD) .No.4222 of 2021

M.Logeswaran

... Petitioner

Vs.

1.The District Collector  
Dindigul District

2.The Revenue Divisional Officer  
Dindigul

3.The Superintendent of Police  
Dindigul District

4.The Thasildar  
Dindigul East Taluk  
Dindigul District

5.The Inspector of Police  
Dindigul Taluk Police Station  
Dindigul

6.ATC Telecom Infrastructure Private Limited  
Represented by Authorized Signatory  
N.Senathipathi,  
Dindigul.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 1 to 5 respondents to consider the representation of the petitioner on behalf of public dated 24.02.2021 within a time frame that may be stipulated by this Court.

For Petitioner

: Mr.V.Palanichamy

For Respondents 1 to 5

: Mr.R.Baskaran

Standing Counsel for Government

For Respondent 6

: Mr.K.Govindarajan

For Mr.M.Karal Marx



**ORDER**

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.V.Palanichamy, learned counsel appearing for the petitioner, Mr.R.Baskaran, learned Standing Counsel for Government appearing for the respondents 1 to 5 and Mr.K.Govindarajan, learned counsel appearing for 6<sup>th</sup> respondent.

2.This writ petition has been filed as a "Public Interest Litigation" to direct the respondents 1 to 5 to consider the representation made by the petitioner on behalf of the public objecting to the erection of mobile phone tower by the sixth respondent.

3.The objection conveyed by the villagers were forwarded by the Thasildar, Dindigul, to the Revenue Divisional Officer for conducting enquiry, wherein, it has been stated that the public are objecting to the erection of mobile phone tower fearing that there will be radiation. Simultaneously, criminal case was also filed against the petitioner and 14 others and Crime No.153 of 2021 has been registered on the file of the Dindigul Taluk Police Station for alleged offence under Sections 147, 341, 294 (b) and 506(i) I.P.C. Therefore, it is submitted by the learned Counsel for the petitioner that the sixth respondent should own all responsibilities if any damage is caused to the life, limb and liberty of the public in that area.

4.The learned counsel appearing for the sixth respondent submitted that the District Collector has granted permission for erection of mobile phone tower on 06.03.2020 in R.C.No.5497/2020/B3. The order reads as follows:

*" I enclose herewith a representation copy received from ATC Telecom Infrastructure Private Limited, T.Nagar, Chennai -17 along with enclosures regarding objection raised by the villagers for erection Telecommunication Tower in following villages.*

*1.T.S.No.11/E, Block No.5, Kodaikanal Town, Kodaikanal Taluk, Dindigul District*

*2.T.S.No.11/57, Plot No.120, Kodaikanal Town, Kodaikanal Taluk, Dindigul District.*

*3.S.F.No.825/19, Patta No.902, Balakrishnapuram Village, Dindigul*

*4.S.F.No.473/1A2, Pallapatty Village, Dindigul West.*

*As per the Government order 2<sup>nd</sup> and 3<sup>rd</sup> read above permission has been granted for construction of BTS Towers. A copy of Government order is also enclosed.*



*In this connection, I request you render your necessary assistance to the above authorities for erection of Telecommunication Tower at the above said place, otherwise Law and Order problem likely to arise"*

5. In the light of the permission granted by the District Collector, at this juncture, no Writ of Mandamus is issued. However, the petitioner is at liberty to work out his remedy in the manner known to law.

6. In the light of the fact that the matter has attained finality and the District Collector has already granted permission and the Cell Phone Tower has been erected, this Court, exercising its discretion, hereby quashes the F.I.R in Crime No.153 of 2021 on the file of the Dindigul Taluk Police Station and this order be communicated to the Inspector of Police, Dindigul Taluk Police Station, Dindigul District.

7. With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

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  
Dindigul District

2. The Revenue Divisional Officer  
Dindigul

3. The Superintendent of Police  
Dindigul District

4. The Thasildar  
Dindigul East Taluk  
Dindigul District



5.The Inspector of Police  
Dindigul Taluk Police Station  
Dindigul

+1 CC to M/s.SPL GP ( SR-19354[F] dated 15/06/2021 )

W.P.[MD]No.5301 of 2021  
and  
W.MP (MD) .No.4222 of 2021  
11.06.2021

KB(18.06.2021) 4P 7C