



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.7411 of 2021

and

W.M.P(MD) No.5591 of 2021

P.Jansi Rani
W/o.Dr.K.Muniyan,
Doctor,
Pudugai Star Hospital
No.51, 51, Alangudi Road,
Pudhukottai.

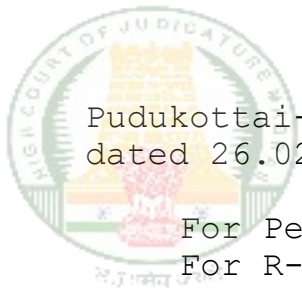
: Petitioner

Vs.

- 1.The District Collector,
Pudhukottai District,
Pudhukottai.
- 2.The District Revenue Officer,
Pudhukottai District,
Pudhukottai.
- 3.The Revenue Divisional Officer,
Pudhukottai,
Pudhukottai District.
- 4.The Commissioner,
The Pudhukottai Municipality,
Pudhukottai.
- 5.M/s.Indus Towers Limited,
Rep. by its Authorized Officer,
No:5(NP), ESPEE,IT Park,
Ekkatuthangal,
Chennai-600 097.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Direction, directing the first to fourth respondents to take necessary steps against the fifth respondent restraining the fifth respondent from erecting Cell Phone Tower in the property situated in S.F.No;187-1A5 at Alangudi Road, Pudhukottai, Town Senthaamil Nagar, Near Pudugai Star Hospital,



Pudukottai-622 001 by considering the petitioner's representation dated 26.02.2021.

For Petitioner

For R-1 to R-4

For R-5

: Mr.N.Mohideen Basha

: Mr.R.Baskaran

Standing Counsel for Government

: Mr.K.Govindarajan

for Mr.T.N.Karthikeyan

O R D E R

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

The petitioner, who is a gynaecologist, is running a Multi Speciality Hospital in Pudukottai and specialised in Neonatal care.

2.The petitioner is objecting to the erection of a mobile phone tower in the property situated in S.F.No;187-1A5 at Alangudi Road, Pudukottai Town Senthaamil Nagar, Near Pudugai Star Hospital, Pudukottai-622 001, by considering his representation, dated 26.02.2021.

3.Based on the objections given by the petitioner, a Peace Committee meeting was convened and in the meantime, the fifth respondent filed writ petition in W.P.(MD) No.1957 of 2021 for police protection, which was ordered. However, the said order did not enure to the benefit of the fifth respondent. Further, the objector namely, the writ petitioner herein was not impleaded as respondent in that writ petition.

4.Be that as it may, the law on the issue has been settled by several decisions and the recent decision of the Hon'ble Division Bench is in the case of **Manivannan Vs. The District Collector, Tuticorin District, Tuticorin and others** reported in **2019 (6) MLJ 641**. In terms of the said decision and as per the extant of rules, unless permission is obtained from the District Collector, a tower cannot be erected. Admittedly, the application given by the fifth respondent dated 23.10.2020, has not been disposed of by the District Collector. Unless and until the permission is granted by the District Collector, the fifth respondent cannot erect the mobile phone tower. If the District Collector is of the opinion that the application has to be considered, then notice has to be issued to the petitioner and after hearing the petitioner, who has established a hospital, the District Collector shall take appropriate decision in accordance with law. The application be considered by the District Collector, as expeditiously as possible.



5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

RM

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,
Pudhukottai District,
Pudhukottai.
2. The District Revenue Officer,
Pudhukottai District,
Pudhukottai.
3. The Revenue Divisional Officer,
Pudhukottai,
Pudhukottai District.
4. The Commissioner,
The Pudhukottai Municipality,
Pudhukottai.

+1 CC to M/s.SPL GP (SR-19927[F] dated 22/06/2021)

+1 CC to M/s.T.N.KARTHIKEYAN, Advocate (SR-19820[F] dated 22/06/2021)

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