



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.8575 of 2021

and

W.M.P.[MD]No.6458 of 2021

Kala Jegatheesan

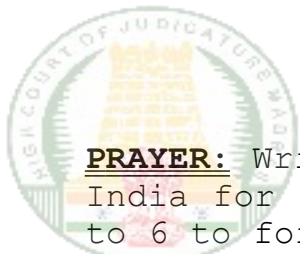
... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District.
Nagercoil.
- 3.The Revenue Divisional Officer,
Kanyakumari District,
Nagercoil.
- 4.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
- 5.The Inspector of Police,
Anjukiramam Police Station,
Kanyakumari District.
- 6.The Executive Officer,
Anjukuramam Town Panchayat,
Anjukiramam,
Agasteeswaram Taluk,
Kanyakumari District.
- 7.The ATC Telecom Infrastructure Private Limited,
Represented by its Project Engineer Jakanathan,
S/o. Selvaraj,
Near T.Nagar Bus Stand,
T.Nagar,
Chennai - 600 017.

8.Manivannan

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 6 to forbear respondents 7 and 8 from erecting any cellular tower in the top most terrace of the four storied building called as RSP building of 8th respondent at Sivaramapuram, Anjugramam, Agasteeswaram Taluk, Kanyakumari District by considering the petitioner's representation dated 15.04.2021.

For Petitioner : Mr.S.R.Anbarasu
For Respondents 1 to 6 : Mr.K.P.Krishnadass,
Special Government Pleader
For Respondent No.7 : Mr.K.Govindarajan
for Mr.Karl Markhs

O R D E R

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

With the consent on either side, this Writ Petition itself is taken up for final disposal.

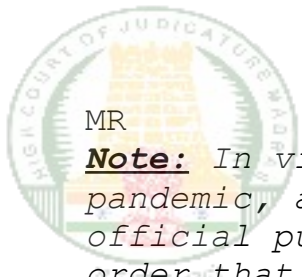
2.Heard Mr.S.R.Anbarasu, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the respondents 1 to 6 and Mr.K.Govindarajan for Mr.Karl Markhs, learned Counsel appearing for the seventh respondent.

3.The petitioner who is a former Councilor of Town Panchayat, has come forward with this writ petition styled as a Public Interest Litigation, alleging that the seventh respondent is attempting to put up a mobile phone tower in the property owned by the eighth respondent, which according to the petitioner is only a one cent of land and the building thereon does not have approval.

4.Mr.K.Govindarajan, learned Counsel accepting notice for the seventh respondent submitted that the seventh respondent has already submitted an application to the District Collector for grant of permission and without obtaining permission, no tower will be put up.

5.If such is the fact situation, while considering the application filed by the seventh respondent before the District Collector, the tenability of the objections raised by the petitioner shall also be considered by the District Collector and thereafter, a speaking order be passed on merits and in accordance with law.

6.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.



MR

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,
Kanyakumari District,
Nagercoil.
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Nagercoil.
- 3.The Revenue Divisional Officer,
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Nagercoil.
- 4.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
- 5.The Inspector of Police,
Anjukiramam Police Station,
Kanyakumari District.
- 6.The Executive Officer,
Anjukuramam Town Panchayat,
Anjukiramam,
Agasteeswaram Taluk,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-17917[F] dated 28/04/2021)

ORDER MADE IN
W.P. [MD] No.8575 of 2021
27.04.2021

RK(27.05.2021) 3P 8C