



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
AND  
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.P. (MD) No.10034 of 2021  
and W.M.P. (MD) Nos.7745 and 7747 of 2021**

Sujatha Danasekar

.. Petitioner

Vs

- 1.The District Collector,  
Thanjavur District.
- 2.The Assistant Director (Panchayats),  
Rural Development,  
Thanjavur.
- 3.The Block Development Officer,  
Panchayat Union,  
Thanjavur.
- 4.Junior Engineer,  
TANGEDCO,  
Mariamman Kovil,  
Thanjavur District.
- 5.Gopala Krishnan
- 6.Authorised Officer for Airtel  
Having their office at  
70, Nallaiah Complex,  
Srinivasam Pillai Road,  
Thanjavur.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent not to allow 5<sup>th</sup> and 6<sup>th</sup> respondent to operate base trans receiver station (BTS Towers) cell phone tower in unauthorized building at S.No.185/32, Pinnainallur Revenue Village, Salaikara Street, Mariamman Kovil Panchyat, Thanjavur District.

For Petitioner

: Mr.T.S.Mohamed Mohideen



For Respondents

: Mr.A.K.Manickam  
Standing Counsel for  
Government  
For R1 to R3  
Ms.M.Rajeshwari for  
Mr.S.M.S.Johnny Basha  
Standing Counsel for R4

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**O R D E R**

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

Heard Mr.T.S.Mohamed Mohideen, learned counsel for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for respondent Nos.1 and 3 and Ms.M.Rajeshwari, learned counsel representing Mr.S.M.S.Johnny Basha, learned Standing Counsel for respondent No.4.

2.This Writ Petition has been filed seeking for a direction upon the 1<sup>st</sup> respondent not to allow 5<sup>th</sup> and 6<sup>th</sup> respondent to operate base trans receiver station (BTS Towers) cell phone tower in unauthorized building at S.No.185/32, Pinnainallur Revenue Village, Salaikara Street, Mariamman Kovil Panchyat, Thanjavur District.

3.Since we are disposing of the Writ Petition without notice to respondent Nos.5 and 6, we are not issuing any positive direction.

4.The objection raised by the petitioner is with regard to installation of mobile phone tower in the property owned by the fifth respondent. The apprehension of the petitioner is that without obtaining permission from the first respondent, the tower would be erected.

5.The procedure which is required to be followed before erecting the mobile phone tower was considered by the Hon'ble Division Bench of this Court in a Public Interest Litigation in W.P. (MD) Nos.15974 of 2017 etc., batch cases dated 29.08.2019, wherein the following direction has been issued:

"13.19. In view of the above Government Order and the above cited decisions rendered by this Court, the private respondents / service providers have to obtain permission from the District Collectors concerned as per G.O.Ms.No.2 Information Technology Department, dated 01.04.2002. Issue No.2 is answered accordingly."

6.In the light of the above, we direct the first respondent to consider the petitioner's representation dated 18.03.2021, after issuing notice to respondent Nos.5 and 6, and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.



7.The Writ Petition stands disposed of with the above direction. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CRL)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

*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,  
Thanjavur District.
- 2.The Assistant Director (Panchayats),  
Rural Development,  
Thanjavur.
- 3.The Block Development Officer,  
Panchayat Union,  
Thanjavur.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate ( SR-24231[F] dated 28/07/2021 )

W.P. (MD) No.10034 of 2021  
27.07.2021

LS (CO)

KB(04.08.2021) 3P 5C