



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12491 of 2021

and

W.M.P.[MD]No.9784 of 2021

P.Antony Joe Christo

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Madurai.
2. The District Revenue Officer,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
Madurai,
Madurai District.
4. Tamil Nadu Pollution Control Board,
SIDCO Industrial Estate,
Kappalur, Thirumangalam Taluk,
Madurai - 625 008.
5. The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
6. M/s.Reliance Jio Infocom Limited,
Having the Circle Office at
A1, Tower, 8th floor, B9-90,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 5 herein to take necessary steps against 6th Respondent herein from further construction/erection of Jio Cell Phone Base Trans-Receiver Station Tower (BTS Tower) at Plot No.9, Thaninayagam Adigal Street, Teachers Colony, Pillarsalai, Aalampatti, Nagamalai Pudukottai, Madurai District by considering the petitioner representation dated 06.07.2021.



For Petitioner : Mr.D.Nallathambi
For Respondents 1 to 3 & 5 : Mr.A.K.Manikkam
Standing Counsel for Government
For Respondent No.4 : Mr.S.Bageeratham
Standing Counsel for Pollution
Control Board
For Respondent No.6 : Mr.J.Abhishek Jenasenan

O R D E R

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

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

2.Heard Mr.D.Nallathambi, learned Counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents 1 to 3 & 5, Mr.S.Bageeratham, learned Standing Counsel appearing for the fourth respondent and Mr.J.Abhishek Jenanesan, learned Counsel appearing for the sixth respondent.

3.This writ petition has been filed praying for a direction upon the Respondents 1 to 5 herein to take necessary steps against 6th Respondent herein from further construction/erection of Jio Cell Phone Base Trans-Receiver Station Tower (BTS Tower) at Plot No.9, Thaninayagam Adigal Street, Teachers Colony, Pillarsalai, Aalampatti, Nagamalai Pudukottai, Madurai District by considering the petitioner's representation dated 06.07.2021.

4.The Hon'ble Division Bench of this Court in the case of **Manivannan Vs. District Collector, Tuticorin District and others** reported in **(2019) 6 MLJ 641**, had given elaborate directions as to the procedures to be followed prior to the erection of the mobile phone tower, wherein it has been held that the service provider has to obtain permission from the District Collector in terms of G.O.Ms.No.2, Information Technology Department dated 01.04.2002.

5.The learned Counsel appearing for the sixth respondent, the mobile phone company would submit that application has been given to the District Collector and the approval is awaited and the company will not erect the cell phone tower without obtaining the approval.

6.In the light of the above, we dispose of the writ petition permitting the sixth respondent to erect the mobile phone tower, only after obtaining approval from the District Collector. The District Collector, while considering the application submitted by the sixth respondent for erection of the mobile phone tower, shall



take note of the objections given by the petitioner and then take an informed decision.

7. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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,
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2. The District Revenue Officer,
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Madurai.
3. The Revenue Divisional Officer,
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SIDCO Industrial Estate,
Kappalur, Thirumangalam Taluk,
Madurai - 625 008.
5. The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.

- +1. CC to M/S.D.NALLATHAMBI Advocate SR.No.24467
+1. CC to M/S.ABISHEK JENASENAN Advocate SR.No.24354
+1. CC to M/S.SPL.GP SR.No.24391

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