



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.12452 of 2021

and

W.M.P.[MD]No.9749 of 2021

Kalandhar Naina Mohamed

... Petitioner

Vs.

1. The District Collector,  
Pudukkottai District,  
Pudukkottai.
2. The Revenue Divisional Officer,  
Aranthangi,  
Pudukkottai District.
3. The Tahsildar,  
Avudaiyarkovil,  
Pudukkottai District.
4. The Block Development Officer,  
Avudaiyarkovil Panchayat Union,  
Avudaiyarkovil,  
Pudukkottai District.
5. The President,  
Nattani Purasakkudi Panchayat,  
Avudaiyarkovil Taluk,  
Pudukkottai District.
6. M/s. Bharathi Airtel Ltd.,  
No.42/147 & 44/146,  
Santhom and Church Road,  
Mylapore,  
Chennai - 4.

7. Iliyas

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents herein from installing High Tension Cell Phone Base Transmission Tower in the middle of the residential area of the Petitioner's Village situated at Gopalapattinam, Nattani Purasakkudi, Avudaiyar Kovil Taluk, Pudukkottai District in the light of the Petitioner's representation dated 12.06.2021 and 15.07.2021 within the time stipulated by this Hon'ble Court.



For Petitioner : Mr.T.Veerakumar  
For Respondents 1 to 4 : Mr.A.K.Manikkam  
Standing Counsel for Government  
For Respondent No.6 : Mr.K.Govindaraj  
for Mr.Karl Marx

**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.T.Veerakumar, learned Counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents 1 to 4 and Mr.K.Govindaraj, learned Counsel appearing for the sixth respondent.

3.This writ petition has been filed praying for a direction to forbear the respondents herein from installing High Tension Cell Phone Base Transmission Tower in the middle of the residential area of the Petitioner's Village situated at Gopalapattinam, Nattani Purasakkudi, Avudaiyar Kovil Taluk, Pudukkottai District in the light of the Petitioner's representations dated 12.06.2021 and 15.07.2021.

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 on 16.06.2021 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 dated 16.06.2021, 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 //

/ /2021

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,  
Pudukkottai District,  
Pudukkottai.
2. The Revenue Divisional Officer,  
Aranthangi, Pudukkottai District.
3. The Tahsildar,  
Avudaiyarkovil,  
Pudukkottai District.
4. The Block Development Officer,  
Avudaiyarkovil Panchayat Union,  
Avudaiyarkovil, Pudukkottai District.

+1 CC to M/s.T.VEERAKKUMAR, Advocate (SR-24238[F] dated 28/07/2021 )

+1 CC to M/s.SPL GP ( SR-24376[F] dated 29/07/2021 )

**W.P.[MD]No.12452 of 2021**

**and**

**W.M.P.[MD]No. 9749 of 2021**

**28.07.2021**

RD(5.08.2021) 3P 7C