



WEB COPY

W.P.(MD)No.19626 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19626 of 2020
and
W.M.P. (MD)No.16354 of 2020

S.Kaja Mohideen

... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Dindigul District.

3.The Tahsildar,
O/o the Tahsildar,
Palani,
Dindigul District.

4.The Authorized person,
INDUS Tower Ltd.,
Ambar Nagar,
Ekathuthangal IT park 5th Floor,
Jawarharlal Nehru Road,
Chennai-32.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct restraining the respondents from in any way erecting any cell phone tower in S.No.174/1. Situated in Obulapuram, New Aayakudi, Palani, Dindigul District, without obtaining permission from the first respondent as contemplated under G.O.Ms.No.1, Information Technology (B4) Department, dated 21.02.2018.

For Petitioner	: Mr.Mohammed Immran for M/s.Ajmal Associates
For R1 to R3	: Mrs.M.Rajeswari Government Advocate

ORDER

Heard the learned counsel appearing for the petitioner.



2.A reading of the writ prayer would indicate that the petitioner seeks relief not against any public authorities but only against the private individual namely the fourth respondent herein.

3.The learned counsel draws my attention to the Indian Telegraphic Right of Way Rules, 2016 and G.O.Ms.No.1, Information Technology (B4) Department, dated 21.02.2018 and contends that the fourth respondent cannot put up any cellphone tower without getting permission from the District Collector.

4.If that be so, it is for the petitioner to file an appropriate injunction suit. The process of the writ Court cannot be utilized for securing relief against a private individual. Leaving open the petitioner's right, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Dindigul District,Dindigul.
- 2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Dindigul District.
- 3.The Tahsildar, O/o the Tahsildar,
Palani, Dindigul District.

+1 CC to M/s.GP (SR-103[F] dated 05/01/2021)

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-132[F] dated 05/01/2021)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-141[F] dated 05/01/2021)

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