



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11879 of 2018

and

W.M.P.[MD]No.10837 of 2018

Saravana Kumar

... Petitioner

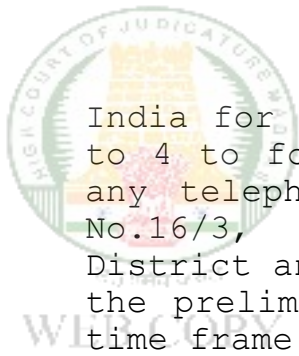
Vs.

- 1.The District Collector,
Office of District Collectorate,
Tuticorin, Tuticorin District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District.
- 3.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti, Tuticorin District.
- 4.The Kovilpatti Municipality,
Rep. by its Commissioner,
Near Government Hospital,
Puthu Road, Kovilpatti,
Tuticorin District.
- 5.M/s. Ascend Telecom Infrastructure Pvt. Ltd.,
Rep. by its Manager,
New No.54, Old No.52,
Butt Road, St. Thomas Mount,
Chennai - 600 016.

6.M.Dhanasekaran

... Respondents

*[R6 is impleaded vide court order dated 16.07.2019 in WMP[MD]
No.13830/18 in WP[MD]No.11879/18]*



India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to forbear the fifth respondent from installing and operating any telephone tower in the land in Survey No.458/2B situated at No.16/3, North Puthugramam, 1st Street, Kovilpatti, Tuticorin District and consequently directing the respondents 1 to 4 to remove the preliminary construction put up near petitioner house within a time frame stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1to3	: Mr.K.P.Krishnadass, Special Government Pleader
For Respondent No.5	: Mr.A.Thiruvadi Kumar
For Respondent No.6	: Mr.A.S.Munibur Rahman

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 itself is taken up for final disposal.

2.Heard Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadass, learned Special Government Pleader, appearing for respondents 1 to 3, Mr.A.Thiruvadi Kumar, learned Counsel appearing for the fifth respondent and Mr.A.S.Munibur Rahman, learned Counsel appearing for the sixth respondent.

3.The petitioner has filed this Writ Petition seeking a direction to the respondents 1 to 4 to forbear the fifth respondent from installing and operating any telephone tower in the land in Survey No.458/2B situated at No.16/3, North Puthugramam, 1st Street, Kovilpatti, Tuticorin District and consequently directing the respondents 1 to 4 to remove the preliminary construction put up near the petitioner's house.

4.The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that permission is required to be obtained from the District Collector, before erecting the cell phone tower and it appears that the fifth respondent has not obtained such permission and the sixth respondent land owner has leased out his land to the fifth respondent for erection of the tower.

5.In the light of the above, the writ petition is disposed of, by directing the fifth respondent to apply for permission before the District Collector, Tuticorin District and if such application is filed, the District Collector shall note the objections given by the petitioner and thereafter, take a decision on merits and in accordance with law. Till such permission is obtained, the fifth respondent shall not operate the said tower, which admittedly is yet to be completed and there is no electricity connection also.



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.

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Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

MR

To

1. The District Collector,
Office of District Collectorate,
Tuticorin,
Tuticorin District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Tuticorin District.
3. The Tahsildar,
Kovilpatti Taluk,
Kovilpatti,
Tuticorin District.
4. The Kovilpatti Municipality,
Rep. by its Commissioner,
Near Government Hospital,
Puthu Road,
Kovilpatti,
Tuticorin District.

+1 CC to M/s.A.S.MUJIBUR RAHMAN, Advocate (SR-17034[F] dated 22/04/2021)



+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-17045[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17141[F] dated 22/04/2021)

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ORDER MADE IN
W.P.[MD]No.11879 of 2018

21.04.2021

GS (11.06.2021) 4P 8C