



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.22717 OF 2021

Kasinathan :Petitioner

.vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Superintendent of Police,
Madurai District,
Madurai.

3.The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

4.M/s.Reliance Jio Infocomm Limited,
No.89, 7th Floor,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from erecting Mobile/Cellphone Tower by the fourth respondent at S.F.No.119/8, NGO Colony, Tirumangalam, Madurai District on the basis of the Petitioner's representation, dated 13.12.2021.

For Petitioner
For Respondents
1 and 2

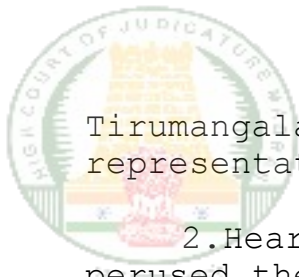
:Mr.T.Vadivelan
:Mr.M.Siddharthan
Additional Govt.Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA,J)

This Writ Petition is filed seeking issuance of Writ of Mandamus forbearing the respondents from erecting Mobile/Cellphone Tower by the fourth respondent at S.F.No.119/8, NGO Colony,

<https://hccourtsrecorder.gov.in/hccourtsrecorder>



Tirumangalam, Madurai District on the basis of the Petitioner's representation, dated 13.12.2021.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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3. The grievance of the Writ Petitioner is that the cell phone tower is being constructed near the residential building and other buildings, which is within 10 feet from the School and Hospitals. In this regard, the Petitioner has given a representation, dated 13.12.2021 to the Licence Issuing Authority namely, the first respondent herein. Since the same was not considered so far, the Petitioner has come up with the present Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 states that already 'No Objection Certificate' has been issued in favour of the fourth respondent, however, he could not produce a copy of the same.

5. Therefore, if the 'No Objection Certificate' is not granted by the first respondent, before passing any order, the representation of the Petitioner, dated 13.12.2021 may be considered, on merits and in accordance with law, after affording an opportunity of hearing to the Petitioner and others, interested if any and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

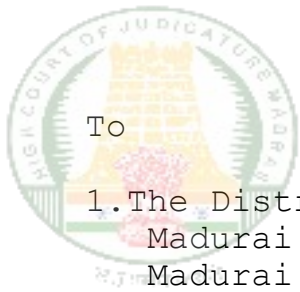
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/ /2022

Sub Assistant Registrar(CS)

vsn

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,
Madurai District,
Madurai.

2.The Superintendent of Police,
Madurai District,
Madurai.

3.The Commissioner,
Thirumangalam Municipality,
Thirumangalam,
Madurai District.

+1 CC to M/s.SPL GP (SR-40210[F] dated 23/12/2021)

W.P (MD) NO.22717 OF 2021
22.12.2021

NSN (CO)
KB (07.01.2022) 3P 5C