



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8644 of 2022

A.Delphinamary

... Petitioner

Vs.

1. The District Collector,
Thanjavur District.
2. The District Revenue Officer,
Thanjavur District.
3. The Revenue Divisional Officer,
Thanjavur Division,
Thanjavur District.
4. The Tahsildar,
Thanjavur Taluk,
Thanjavur District.
5. The Village Administrative Officer,
VAO Office,
Madhakottai Village,
Thanjavur Taluk,
Thanjavur District.
6. Reliance Communication Ltd.,
Reliance House,
No. Haddows Road,
Nungambakkam,
Chennai - 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to permit the petitioner to uninstall the left unmaintained cell phone tower situated at Survey No.144/8B, Plot No.7, Madhakottai Village, Thanjavur Taluk, Thanjavur District on the basis of the petitioner's representation dated 04.04.2022.

For Petitioner : Mr.A.Joseph Jerry

For Respondents 1 to 5 : Mr.M.Lingadurai

Special Government Pleader



O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to permit the petitioner to uninstall the left unmaintained cell phone tower situated at Survey No.144/8B, Plot No.7, Madhakottai Village, Thanjavur Taluk, Thanjavur District, based on the petitioner's representation dated 04.04.2022.

2.The petitioner claims that a cell phone tower was erected in his property by the cellular operator which remains unmaintained. The petitioner has made a representation to the respondents on 04.04.2022, seeking permission to remove the said tower. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.A.Joseph Jerry, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 5.

4.No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the sixth respondent, within a time frame to be fixed by this Court.

5.For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 04.04.2022 seeking permission to uninstall the unmaintained cell phone tower situated at Survey No.144/8B, Plot No.7, Madhakottai Village, Thanjavur Taluk, Thanjavur District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the sixth respondent, including granting them the right of personal hearing, within a period of eight [8] weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (ADMN-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR



To

1. The District Collector,
Thanjavur District.
2. The District Revenue Officer,
Thanjavur District.
3. The Revenue Divisional Officer,
Thanjavur Division,
Thanjavur District.
4. The Tahsildar,
Thanjavur Taluk,
Thanjavur District.
5. The Village Administrative Officer,
VAO Office, Madhakottai Village,
Thanjavur Taluk,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-23405[F] dated 04/05/2022)

ORDER MADE IN
W.P.[MD]No.8644 of 2022
29.04.2022

USK/18.05.2022/3P/7C