



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8378 of 2022

V.Rajamani

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Bodinayakanur Taluk,
Theni District.

3.The Village Administrative Officer,
VAO Office,
Domuchery Village,
Bodinayakanur Taluk,
Theni District.

4.Chennai Network Infrastructure Limited (CNIL Licensee),
No.34/1DL, New No.403/L,
Samson Tower, 7th Floor,
Pantheon Road,
Egmore,
Chennai - 600008.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to permit the petitioner to uninstall the left unmaintained cell phone tower situated at Survey No.239/11B1, Plot No.54, Dombuchery Village, Bodinayakanur Taluk, Theni District, on the basis of the petitioner's representation dated 21.01.2022.

For Petitioner	:	Mr.A.Joseph Jerry
For R-1 to R-3	:	Mr.B.Saravanan, Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to permit the petitioner to remove the cell phone tower situated at Survey No.239/11B1, Plot No.54, Dombuchery Village, Bodinayakanur Taluk, Theni District based on the petitioner's representation dated 21.01.2022 within a time frame to be fixed by this Court.



2. The petitioner claims that she is the absolute owner of the aforementioned property. According to her, the fourth respondent had installed a cell phone tower in the aforementioned property. She would submit that the said cell phone tower is not operational. It is the contention of the petitioner that the fourth respondent has also not removed the cell phone tower despite the request made by the petitioner. In such circumstances, she has given a representation on 21.01.2022 to the first respondent seeking permission to remove the cell phone tower by herself. Since the representation has not been considered till date, she has filed this Writ Petition.

3. Heard Mr.A.Joseph Jerry, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4. No prejudice would be caused to the respondents, if the petitioner's representation seeking permission to remove the cell phone tower is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fourth respondent.

5. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 21.01.2022 seeking permission to remove the cell phone tower situated at Survey No.239/11B1, Plot No.54, Dombuchery Village, Bodinayakanur Taluk, Theni District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the fourth respondent including granting them the right of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The District Collector,
Theni District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Bodinayakanur Taluk,
Theni District.

3.The Village Administrative Officer,
VAO Office,
Domuchery Village,
Bodinayakanur Taluk,
Theni District.

+1 CC to M/s.SPL.GP (SR-23191[F] dated 02/05/2022)

W.P. (MD) .No.8378 of 2022
28.04.2022

MGJ(23.05.2022) 3P 5C