



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P.(MD)No.9193 of 2022 and

W.M.P.(MD)No.6564 of 2022

Rexcellin Mary

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Commissioner,
Nagercoil Corporation,
Nagercoil,
Kanyakumari District.
4. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.
5. Jio Digital Fibre (P) Limited,
No.89, 7th Floor, Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings bearing ROC No.6634/2022/G2 dated 23.02.2022 issued by the first respondent and to quash the same.

For Petitioner : Mr.M.Gnanagurunathan

For R-1,R-2&R-4 : Mr.N.Ramesh Arumugam,
Government Advocate.

For R-3 : Mr.P.Aathimoola Pandian,
Standing Counsel.

* * *



O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1, 2 and 4 and the learned Standing counsel appearing for the third respondent.

2. The petitioner is aggrieved by the grant of permission by the first respondent in favour of the fifth respondent for putting up the mobile phone tower. The learned Standing counsel as well as the learned Government counsel would point out that the impugned permission was granted in February 2022 and that the mobile phone tower has since been erected.

3. In this digital age, setting up of such mobile phone towers definitely serves the larger public interest. It is seen that the impugned permission has been given subject to certain conditions. If the fifth respondent breached the said conditions, then of course it is open to the petitioner as the owner of the neighbouring land to lodge a complaint. So long as the conditions set out in the impugned proceedings have not been breached, there is no case made out for interference.

4. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

To:

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Commissioner,
Nagercoil Corporation,
Nagercoil,
Kanyakumari District.



4. The Tahsildar,
Agasteeswaram Taluk,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.M. GNANAGURUNATHAN, Advocate (SR-24330[F] dated
06/06/2022)

+1 CC to M/s.SPL.GP (SR-24426[F] dated 07/06/2022)

W.P. (MD)No.9193 of 2022
06.06.2022

_RD(14.06.2022) 3P 7C