



W.P(MD)No.10287 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10287 of 2019
and
W.M.P.(MD)Nos.7924 and 7925 of 2019

A.Umadevi

... Petitioner

Vs.

1.The Chairman,
Telecom Regulatory Authority of India (TRAI),
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi 110 002.

2.The Secretary,
Department of Environment and Forest,
Fort St. George, Chennai 600 009.

3.The District Collector,
Madurai District,
Madurai.

4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Madurai District, Madurai.

5.The Commissioner,
Madurai Corporation,
Madurai District.



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6.The Tahsildar,
Madurai South Taluk Office,
Madurai District.

7 The Superintending Engineer,
Tamil Nadu Electricity Board,
Madurai Division, Madurai.

8.The Assistant Engineer,
Tamil Nadu Electricity Board,
Anuppanadi Region,
Anuppanadi, Madurai - 09.

9.JIO Network 4G Cell Phone,
Tower I.D.No.1-TN-MDUR-ENB-0413
(Mela Anuppanadi) Maintained by
M/s.Pace Power Systems Pvt. Ltd.,
Rep. by its Director, Plot No.V-12,
Kumbalgodu, Industrial Estate,
Bangalore, Mysore Highway,
Bangalore – 560 074.

10.Santhi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 8 herein to prevent and forebear the Tower Company / 9th respondent, his agent or anybody through him from operating / erecting / commissioning any Cell Phone Tower amidst or in the vicinity of the residential area in the 10th respondent land located at S.R.No.396 in New Survey No.151/1 sub division Number 151/1A in Plot No.1 at Anuppanadi to Chindamani Cross Road, Anuppanadi, Madurai - 625 009 in the light of various representations.



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For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.S.Jayasingh,
Senior Panel Counsel for R1.
Mr.N.Ramesh Arumugam,
Govt. Advocate for R2, R3 & R6.
Mr.S.Deenadhayalan,
Standing Counsel for R7 & R8.
Mrs.VIjayakumari Natarajan,
Standing Counsel for R4.
Mr.R.Murali,
Standing Counsel for R5.
Mr.R.G.Shankar Gamesh for R9.
No appearance for R10.

ORDER

Heard the learned counsel on either side.

2.The petitioner is aggrieved by the location of cellphone tower near his residential premises. The petitioner's case is that the ninth respondent had not obtained prior permission from the District Collector. The learned counsel for the ninth respondent submitted that following the order of the Hon'ble Division Bench in W.P.Nos.15974 of 2019 etc batch, dated 29.08.2019, obtaining permission from the District Collector became necessary but then, the cellphone tower in question was erected even before the said order was passed. He would also point out that subsequently, the Ministry of Communication issued



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notification dated 17.08.2022 making it clear that prior permission is not required for establishing over-ground telegraphic infrastructure over any private property and that sending intimation alone is sufficient.

3.In view of the subsequent notification dated 17.08.2022, no further order is necessary in this writ petition and it stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

21.12.2022

Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Secretary,
Department of Environment and Forest,
Fort St. George, Chennai 600 009.
- 2.The District Collector,
Madurai District,
Madurai.
- 3.The Tahsildar,
Madurai South Taluk Office,
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G.R.SWAMINATHAN, J.

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