



WEB COPY



W.P.No.21789 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21789 of 2016

and

W.M.P.Nos.18631 to 18634 of 2016

M/s Reliance Jio Infocomm Limited,
having its Circle office at A1 Tower, 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
branch office at No.356/1, 2nd Floor,
Empire Arcade Building, Omalur Main Road, Salem
represented by its authorized Signatory/Legal Manager,
D.Kalaimani

...Petitioner

-Vs-

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem, Salem District.
3. The Revenue Divisional Office cum
Executive Magistrate,
Salem, Salem District.
4. The Commissioner of Police,
Salem City, Salem.
5. The Inspector of Police,
Shevapet Police Station,
Salem.



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6. K.S.Perumal

(R6 impleaded vide order
dated 13.04.2023 made in
W.M.P.No.20150 of 2016 in
W.P.No.21789 of 2016)

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Na.Ka.No.1462/2016/Aa2 dated 10.06.2016 on the file of the 3rd respondent, quash the same and further direction, directing the 4th and 5th respondents herein to provide the effective police protection to all the telecommunication electrical & electronics equipments, OFC Cable and its the maintenance work on the said BTS transmission Tower installed by the petitioner at No.115/68, Adhi Venkatachalapathy Street, Shevapet, Salem District.

For Petitioner : Ms.Amutha Srinivasan
for Mr.K.Govindarajan

For R1 to R5 : Mr.L.Baskaran
Government Advocate (Crl.Side)

For R6 : Mrs.V.Srimathi

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent, thereby sealed the cellphone tower erected by the petitioner.



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2. Heard the learned counsel on either side and perused the materials

available on record.

3. The petitioner obtained site clearance for their leasehold demised premises located at No.115/68, A.V.Iyer Street, Shevapet, Salem District 636 002 absolutely belongs to one G.Usha, w/o Gopal to erect cellphone tower. However, the petitioner erected the tower in the premises situated at No.104/43, Adhivenkatachalapathi Street, Shevapet, Salem.

4. The petitioner had entered into a lease agreement to erect a roof top mobile phone tower in the property situated at No.115/68, A.V.Iyer Street, Shevapet, Salem District 636 002. However, the general public made objection by lodging a complaint before the respondents 1 to 3 herein. On the complaint, a detailed enquiry was conducted and after receipt of the report from various authorities, the third respondent passed an order to seal the cell phone tower.

5. A perusal of records revealed that the building in which the cell phone tower was erected is not in a stable condition. It was erected with violation of procedures. That apart, the lessor filed a suit in O.S.No.367 of 2017 for non payment of rent and same was decreed in her favour. Thereafter, she had



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terminated the lease agreement. Even then, the petitioner failed to remove the cellphone tower. That apart, subsequently the petitioner submitted a representation to remove the seal and the same was also rejected by an order dated 24.02.2020 by the first respondent.

6. In view of above, this Writ Petition is devoid of merits and is liable to be dismissed. Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

30.10.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
mn



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G.K.ILANTHIRAIYAN. J.

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