



W.P.No.13026 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.13026 of 2023

Ayubkhan

.. Petitioner

Vs.

1. The District Collector
Office of the Collectorate Building
Thiruvarur District.
2. The Revenue Divisional Officer
Office of the Revenue Divisional Office
Mannarkudi, Thiruvarur District.
3. The Superintendent of Police
Office of the Superintendent of Police
Thiruvarur District.
4. The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Muthupettai
Thiruvarur District.
5. The Inspector of Police
Muthupettai Police Station
Thiruvarur District.



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6. The Assistant Legal Manager/
Authorised Officer
Ascend Telecom Infrastructure Pvt. Ltd.
No.54/13, SH 55, Sripuram Colony
Viralur, Rajeshwari Colony
St. Thomas Mount, Chennai.

7. The President
Arabu Sahib Pallivasal Waqf
Thuraikadu, Muthupettai
Thiruvavarur District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus forbearing the first respondent, their men, agents from erecting any cell phone tower and power up amidst or vicinity of the residential area located in the property comprised in S.No.282/1A and 282/5 situated at Thuraikadu Village, Muthupettai, Thiruvavarur District on the basis of the petitioner's representation dated 30.03.2023.

For the Petitioner : Mr.D.S.Haroon Rasheed

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 5

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner seeks a writ of Mandamus forbearing the first respondent from erecting any cell phone tower amidst or in the vicinity



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of S.No.282/1A and 282/5 situated at Thuraikadu Village, Muthupettai, Thiruvarur District on the basis of his representation dated 30.03.2023.

2. According to the petitioner, the respondents 6 and 7 started erection of huge network tower by digging the sand in the land in question. Apprehending danger to humans in view of the serious repercussions that would arise after the installation of tower, around 200 persons of that locality gave an objection letter to the seventh respondent for erection of cell phone tower. Though the seventh respondent assured that the tower will not be erected in the land in question, the sixth respondent is continuing the erection work, without obtaining any permission from the authorities concerned. Hence, the petitioner and villagers made a representation to the official respondents on 30.03.2023. As it did not evoke any response, the petitioner has come up with this writ petition.

3. Learned State Government Pleader submitted that the first respondent will consider the representation of the petitioner dated



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30.03.2023 and pass orders and sought four weeks' time for the same.

4. In view of the above and considering the fact that the erection of tower is for the benefit of the public and that the representation of the petitioner is pending consideration, this writ petition is disposed of directing the first respondent to consider the representation of the petitioner dated 30.03.2023 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. There will be no order as to costs. Consequently, WMP No.12821 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
28.04.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

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