



WEB COPY



W.P.No.12714 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI, J.

WP No.12714 of 2020

T. Manimekalai

... Petitioner

vs.

1. The District Collector,
Office of the District Collectorate,
Ranipet,
Ranipet District.

2. The Commissioner,
Arcot Municipality,
Arcot,
Ranipet District.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Arcot,
Ranipet District.

4. Govindaraj

5. Bharti Airtel Ltd.,
No.101, Bharati Towers,
Santhome High Road,
Mylapore,
Chennai – 600 004.

...Respondents



W.P.No.12714 of 2020

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondent to take action against the fourth and fifth respondent for their illegal construction and unauthorised erection of AIRTEL Cell phone Tower at No.6, Nabigal Nayagam Street, 3rd Street, Dhanalakshmi Nagar, Arcot – 632 503, Ranipet District.

For Petitioner : Mr. R. Sagadevan
For Respondents : Mrs.N.Senthil Selvi
Government Advocate
for R1 & R3
Mr.P.J. Sri Ganesh for R5
Mr.B. Anand for R2
R4- No appearance

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondent to take action against the fourth and fifth respondent for their illegal construction and unauthorised erection of AIRTEL Cell phone Tower at No.6, Nabigal Nayagam Street, 3rd Street, Dhanalakshmi Nagar, Arcot – 632 503, Ranipet District.

2. It is the case of the petitioner that he has submitted a representation, dated 14.08.2020 to the official respondents with regard to illegal and unauthorised erection of cell phone tower at the said



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locality. However, till date, no orders have been passed by the respondents. Hence, this writ petition.

3. Learned counsel for the petitioner submits that without obtaining proper permission from the officials concerned, the private respondents have unauthorisedly erected Cell phone Tower at the aforesaid place. Hence, it would suffice, if this Court issues direction to the 1st respondent to consider the representation of the petitioner dated 14.08.2020 and pass orders, within a time frame.

4. Learned counsel for the 2nd respondent submits that the private respondents have erected the cell phone tower at the aforesaid place without getting any permission from the officials and thereby the 2nd respondent has issued a show cause notice on 19.03.2020. However, this Court may issue direction to the 1st respondent to conduct an enquiry and pass appropriate orders on the representation submitted by the petitioner.

5. Learned counsel for the 5th respondent submitted that the 4th respondent is the land owner of the subject property and tower was erected with the consent of the 4th respondent. Further, he submits that they are exempted from getting permission from the officials concerned, thereby the authorities cannot insist for getting any permission for



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erection of tower at the private land. Hence, he prays before this Court for dismissal of this writ petition.

6. Heard, learned counsel on either side and perused the entire records.

7. Considering the limited relief sought for by the petitioner, without going into the merits of the contentions as well as the issues raised, this Court is inclined to issue a direction to the 1st respondent to consider the petitioner's representation, dated 14.08.2020 and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as the private respondents, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this writ petition is disposed of.
No costs.

13.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order

vsi2



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M.DHANDAPANI, J.

vsi2

To

1. The District Collector,
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