



WEB COPY



W.P.No.14452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.05.2023

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE Mr.JUSTICE C.SARAVANAN

W.P.No.14452 of 2023
and W.M.P.No.13957 of 2023

S.K.Gnana Pragasam

... Petitioner

Vs.

1.The Principal Secretary,
Ministry of Communication and Information Technology,
Sanchar Bhavan,
No.20, Ashoka Road, New Delhi.

2.The District Collector,
Office of the Salem District Collector,
Salem District.

3.The Corporation Commissioner,
Salem Corporation, Salem District.

4.The Tasildhar,
No.6, Kannankuruchi Main Road,
Gurukkal Colony, Manakkadu,
Salem District.

5.The Inspector of Police (Law and Order),
Ammapettai Police Station,
Second Market Street,
Ammapet, Salem District.



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6. Reliance Jio Infocomm Limited,
represented by its Manager,
Off-101, Saffron Nr, Center Point,
Panchwati 5 Rasta,
Ambawadi,
Ahmedabad,
Gujarat – 380 006.

7. Rel Pro & Prop Manser Limited,
represented by its Manager,
241/9, Reliance Mall,
Five Road Junction Main Road,
Meyyanur,
Salem-636 004.

8. Ravi (Land Owner),
S/o. Sathasivam,
Subburayan Nagar,
Ramamoorthy Pudur,
Salem – 636 003.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a WRIT OF MANDAMUS directing the first
respondent forbearing the sixth and seventh respondents from erection of
cell phone tower in the land of the eighth respondent.

For Petitioner : M/s. Karan and Uday

For R1 : Mr. V. T. Balaji
Special Government Pleader

For RR 2, 4 & 5 : Mr. C. Kathiravan
Government Advocate



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ORDER

(Order of the Court was made by *C.SARAVANAN, J.*)

This writ petition has been filed by the petitioner seeking a direction to the first respondent forbearing the sixth and seventh respondents from erecting cell phone tower in the land of the eighth respondent.

2. It is the grievance of the petitioner that without getting appropriate permission from the authorities concerned *viz.* second respondent herein, sixth and seventh respondents are trying to install cell phone tower within the residential area. It is the further grievance of the petitioner that a representation has been sent to the third respondent on 20.04.2023 in this regard, but, without any orders being passed, the sixth and seventh respondents are continuing with the installation work.

3. *Prima facie*, it appears that the mobile tower, which the sixth and seventh respondents are trying to install, is contrary to the guidelines issued by this Court *vide* order dated 06.06.2019 in W.P.No.15317 of 2019. Therefore, without going into the merits of the submissions made



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in this writ petition, we direct the third respondent to consider and pass orders on merits on the representation of the petitioner dated 20.04.2023 within a period of six weeks from the date of receipt of a copy of this order. Till such time, *status quo* shall be maintained. It is however made clear that if permission has already been granted, the sixth and seventh respondent can proceed to continue with the installation of the mobile tower.

4. With the above observation and direction, this writ petition stands disposed of. No costs. Connected W.M.P. is closed.

[A.D.J.C., J.] [C.S.N., J.]
04.05.2023

nsd



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To

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A.D.JAGADISH CHANDIRA, J.
AND
C.SARAVANAN, J.

nsd

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