



W.P.No.22772 of 2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.22772 of 2019

R.Kannadasan

.. Petitioner

Vs.

1. The District Collector
Nagapattinam District
Nagapattinam.

2. The Revenue Divisional Officer
Myladuthurai, Nagapattinam District.

3. M/s. Indus Towers Limited
Rep. by its Assistant Legal Manager
Circle Office at 5 (NP)
ESPEE, IT Park, 5th Floor
Jawaharlal Nehru Road
Ekkattuthangal, Chennai 600 097.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the official respondents to stop the erection of transmission cell phone tower and to install all the telecommunication electrical and electronics equipments by the third respondent at S.F.No.400/6, subdivide New S.F.No.400/6B an extent of 400 Sq. Meter situated at Main Road, Sitharkadu Village, Myladuthurai Taluk, Nagapattinam District.



W.P.No.22772 of 2019

WEB COPY

For the Petitioner : Ms.R.Neelambikai

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for Respondents 1 & 2

Mr.S.Anil Sandeep
for Respondent-3

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Ms.R.Neelambikai, learned counsel for the petitioner, Mr.K.Karthik Jegannath, learned Government Advocate for the respondents 1 and 2 and Mr.S.Anil Sandeep, learned counsel for the third respondent.

2. Learned counsel for the petitioner submits that without obtaining necessary permission, the third respondent has erected the cell phone tower.

3. Learned counsel for the third respondent submits that permission has been granted on 12.10.2023 for the installation of cell phone tower at No.127, Sitharkadu Main Road, Myladuthurai 609 001.



W.P.No.22772 of 2019

WEB COPY

4. In view of the fact that permission has already been granted, the relief claimed by the petitioner cannot be granted.

5. Learned counsel for the petitioner submits that while erecting the cell phone tower, the third respondent caused damage to the compound wall of the petitioner.

6. It is for the petitioner to claim compensation as may be permissible under law before the appropriate forum.

7. The writ petition is, accordingly, disposed of. There will be no order as to costs. Consequently, W.M.P.No.22319 of 2019 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

18.12.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl



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WEB COPY

To

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