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Writ Appeal No.2978 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2023

Coram

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Appeal No.2978 of 2023

and C.M.P.No.24685 of 2023

S.Anwar Basha

S/o.Sheik Abdul Kadar

.. Appellant

VS

- 1.The District Collector,
District Collectorate Office,
Tiruvarur District.
- 2.The Tasildar,
Muthupettai Taluk Office,
Tiruvarur District.
- 3.The Executive Officer,
Muthupet Town Panchayat,
Muthupet - 614 704.
- 4.The Superintendent of Police,
Office of Deputy Superintendent,
District Police Office.
- 5.The Deputy Superintendent of Police,
Office of Deputy Superintendent of Police,
Muthupet Sub Division,
Tiruvarur District.
- 6.The Inspector of Police,
Muthupet Police Station,
Tiruvarur District.



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7.M/s.Assend Telecom Infrastructure Pvt. Ltd.,
54/33, SH 55, Sripuram Colony,
St.Thomas Mount, Chennai - 16.

8.Arab Sahib Mosque Committee,
represented by its President,
South Street (Therku Theru),
Muthupet - 614 704.
Tiruvavarur District.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the
order passed by this Court in W.P.No.22814 of 2023, dated 15.09.2023.

For Appellant : Mr.G.Mohammed Aseef

For Respondents : Mr.P.Balathandayutham
Special Government Pleader [R1 to R6]

JUDGMENT

[Judgment delivered by **D.BHARATHA CHAKRAVARTHY, J**]

This writ appeal is directed against the order of learned Single
Judge dated 15.09.2023 made in W.P.No.22814 of 2023.

2. In the said writ petition, the appellant challenged the order dated
12.07.2023 passed by the District Collector granting permission to the
seventh respondent to erect a cellphone tower. It is the contention of



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learned counsel for appellant that the eighth respondent does not have the jurisdiction or power to represent the Mosque and therefore, the District Collector ought not to have granted permission.

3. We have considered the said submissions.

4. The dispute is between the appellant on the one hand and the eighth respondent. The said question is exclusively within the domain of the Waqf Tribunal and it is not the concern of the first respondent District Collector, who only issues licence to erect the Tower.

Accordingly, finding no merits, this writ appeal is dismissed. However, liberty is granted to the appellant to move the Waqf Tribunal in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[D.B.C., J] [V.L.N., J.]
26.10.2023

Index: Yes/No
Speaking Order/Non-speaking order
Neutral Citation: Yes/No

gm/gpa



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D.BHARATHA CHAKRAVARTHY., J
and
V.LAKSHMINARAYANAN., J

gpa/gm

To

- 1.The District Collector,
District Collector Office,
Tiruvarur District.
- 2.The Tasildar,
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- 3.The Executive Officer,
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