



W.P.(MD) No.3192 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3192 of 2023

and

W.M.P.(MD)No.2971 of 2023

N.Jeevanandham

... Petitioner

-Vs-

1.Union of India,

Rep. by its Secretary,

Ministry of Communication & Information Technology,

Electronics Niketan, No.6, CGO Complex,

Lodhi Road, New Delhi-110 003.

2.The District Collector,

Virudhunagar District,

Virudhunagar.

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3.The Deputy Superintendent of Police,
Aruppukottai, Virudhunagar District.

4.The Tahsildar,
Aruppukottai, Virudhunagar District.

5.The Block Development Officer,
Aathipatti Village, Aruppukottai Taluk,
Virudhunagar District.

6.The Inspector of Police,
Aruppukottai Police Station,
Virudhunagar District.

7.Bharati Airtel Limited,
Airtel Zonal Office,
N.S.R.Road Main, Saibaba Colony,
Coimbatore-11.

8.Dhamodharan ... Respondents
(cause title in respect of R5 is amended vide Court Order dated 21.02.2023 in
W.M.P.(MD)No.3215 of 2023)

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WEB COURT

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents, their men, agents from erecting any cell phone tower amidst or in the vicinity of the residential area located in the property comprised in Survey No.10/61 of Aathipatti, Sembatti Post, Aruppukottai Taluk, Virudhunagar District based on the petitioner's representation dated 19.12.2022.

For Petitioner	: Ms.A.Dharani
For R1	: Mr.K.R.Laxman Central Government Standing Counsel
For R2 & R4	: Mr.K.Balasubramani, Special Government Pleader
For R3 & R6	: Mr.S.Manikandan, Government Advocate (Crl.Side)
For R5	: Mr.V.Nirmal Kumar, Government Advocate
For R7	: Mr.M.Karl Marx

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed to forbear the respondents from erecting any cell phone tower in the property comprised in Survey No.10/61 of Aathipatti,

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2.The grievance of the petitioner is that his representation dated 19.12.2022, raising objections for erecting the cell phone tower in the property in question, has not been considered by the 2nd respondent till date. Therefore, he has approached this Court with the aforesaid prayer.

3.Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents 2 and 4 has produced the proceedings of the 2nd respondent dated 21.02.2023 addressed to him and submitted that the 7th respondent made an application before the 2nd respondent, seeking permission for erecting cell phone tower in the property in question. On receipt of such application, the 2nd respondent sought for No Objection Certificate from the Assistant Director of Panchayat, Virudhunagar. In such circumstances, the petitioner has approached this Court. He further submitted that the representation of the petitioner dated 19.12.2022 would be considered and appropriate orders would be passed on merits and in accordance with law.



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4.In the light of the aforesaid submission, without going into the merits of the case, we are inclined to direct the 2nd respondent to consider the representation of the petitioner dated 19.12.2022 and pass appropriate orders on its own merits and in accordance with law, after providing sufficient opportunity of hearing to all the parties concerned. Such an exercise shall be completed as early as possible, preferably, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [L.V.G., J.]

21.02.2023

(2/2)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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D.KRISHNAKUMAR, J.

AND

L.VICTORIA GOWRI, J.

MYR

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Aruppukottai, Virudhunagar District.
- 3.The Tahsildar,
Aruppukottai, Virudhunagar District.
- 4.The Block Development Officer,
Aathipatti Village, Aruppukottai Taluk,
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- 5.The Inspector of Police,
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