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W.P.(MD)NO.15878 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15878 of 2023

1. S.Arumugam

2. V.Seenivasan

... Petitioners

Vs.

1. The District Collector,
O/o.the District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3. The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

4. GTL Infrastructure Ltd., (GIL),
Electronic Sadan No.1,
TTC Industrial Area,
MIDC, Mahape,
Navi Mumbai – 400 710,
Rep. by its Manager /
Authorised Signatory.
(R-4 is impleaded vide order dated 15.12.2023
in W.M.P(MD)No.13669 of 2023)

... Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India, to issue a Writ of Mandamus, directing



the 3rd respondent to remove the cell phone tower situated in Survey No.150/153 Harvi Patti, Thirupparankundram, Madurai District as per the order passed by the 1st respondent in O.Mu.No.C4/ 769832/2023 dated 13.04.2023 based on the representation dated 03.06.2023 within the time limit as fixed by this Court.

For Petitioners : Mr.N.Tamilmani

For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Special Government Pleader appearing for the official respondents.

2. Issuance of notice to the fourth respondent is dispensed with.

3. The grievance of the petitioners is that the petitioners had leased out their petition-mentioned vacant sites in favour of the fourth respondent to erect a mobile phone tower. The lease period has since expired. The fourth respondent had not paid any lease amount. He had also not removed the mobile phone tower. Therefore, the present writ



petition came to be filed.

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4. The third respondent is directed to issue notice to the fourth respondent granting twelve weeks to remove the mobile phone tower. If within the said period, the fourth respondent fails to remove the same, the third respondent shall remove the cell phone tower by employing the Government machinery. The resulting scrap can be sold by the third respondent and the sale proceeds can also be appropriated to the Government account. This writ petition stands allowed accordingly. No costs.

15.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The District Collector,
O/o.the District Collector, Madurai District, Madurai.
2. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Thirumangalam, Madurai District.
3. The Tahsildar, Thirupparankundram Taluk,
Madurai District.



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G.R.SWAMINATHAN,J.

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