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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)NO.18997 OF 2023
and
W.M.P(MD)No.15776 of 2023**

N.Nagarajan

:Petitioner

.VS.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Commissioner,
Nagercoil Municipal Corporation,
Nagercoil,
Kanyakumari District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to consider the Petitioner's representation, dated 07.07.2023 and further to direct the respondents to permit the private company to install the cellphone tower at Survey No.B2/43/10 in CBH Road, 11th Ward, Nagercoil, Kanyakumari District without obtaining permission from the local authority in contra to the directions issued by the Government.



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For Petitioner

:Mr.V.Rajiv Rufus

For Respondent-1

:Mr.P.Thilak Kumar
Govt.Pleader

O R D E R

(Order of the Court was made by S.S.SUNDAR,J)

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to consider the Petitioner's representation, dated 07.07.2023 and further to direct the respondents to permit the private company to install the cellphone tower at Survey No.B2/43/10 in CBH Road, 11th Ward, Nagercoil, Kanyakumari District without obtaining permission from the local authority in contra to the directions issued by the Government.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner has not even impleaded the Company or individual proposed to install cell-phone tower in the objectionable site as per the representation of the Petitioner, dated 7.7.2023.



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4. In the said circumstances, the Writ Petition is liable to be dismissed on the ground of non-joinder of necessary and proper parties.

5. Hence, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. It is open to the Petitioner to pursue his representation in the manner known to law or to file a Writ Petition, if necessary, after impleading the proper and necessary parties.

[S.S.S.R.,J.] [D.B.C,J.]
07.08.2023

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

vsn

To

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Nagercoil,
Kanyakumari District.
2. The Commissioner,
Nagercoil Municipal Corporation,
Nagercoil,
Kanyakumari District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY,J.

vsn

ORDER MADE IN

W.P(MD)NO.18997 OF 2023

and

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07.08.2023