



W.P.(MD)No.11711 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11711 of 2016

Sivanammal

... Petitioner

versus

1. The District Collector,
Theni,
Theni District.
2. The Tamilnadu Pollution Control
Board Officer,
The Tamilnadu Pollution Control
Board Office,
Collectorate,
Theni District.
3. The Assistant Executive Engineer,
Tamilnadu Generation and Distribution
Corporation Ltd.,
(TANGEDCO)
Kumuli Division,
Theni District.



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4. The Commissioner,
Gudalur Corporation,
Gudalur,
Theni District.
5. The Sub Inspector of Police,
Kumuli Police Station,
Theni District.
6. Aircel Business Solutions,
Rep. By its Administrative Officer,
4th Floor, Spencer Plaza,
No.769, Anna Salai,
Chennai – 02.
7. The Administrative Officer,
Airtel Head Office,
No.101, Bharathi Towers,
Santhome High Road,
Santhome, Chennai – 4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents 1, 2 and 4 to consider the petitioner's representation dated 02.07.2015 and to remove the illegal installation of cell phone towers situated at Ward No.21, Melagudalur, Lower Camp, Uthamapalayam Taluk, Theni District.



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For Petitioner : Mr.S.Sundarapandian
For R1 and R4 : Mr.T.Vilavankothai,
Additional Government Pleader
For R2 : Mr.Vijayakumar Natarajan
For R3 : Mr.S.Dheenadhayalan
For R5 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl. Side)
For R6 : Mr.S.Anwar Sameem
For R7 : No appearance

ORDER

This Writ Petition is filed for a Mandamus, directing the respondents 1, 2 and 4 to consider the petitioner's representation dated 02.07.2015 and to remove the illegal installation of Cell Phone Tower situated at Ward No.21, Melagudalur, Lower Camp, Uthamapalayam Taluk, Theni District.

2. When the writ petition is listed for admission on 19.07.2016, the learned Additional Government Pleaders and the learned Standing Counsel have taken notice for the respective respondents and sought time for filling their counter affidavits and notice was also ordered to



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the respondents 6 and 7.

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3. The sixth respondent is now represented by the learned counsel Mr.Anwar Sameem. Though the seventh respondent was served with notice on 27.07.2016, there is no representation for the seventh respondent.

4. The learned Additional Government Pleader, by referring the counter affidavit filed by the fourth respondent, submits that the competent authorities for granting permission to erect cell phone tower are Telecom Authorities and the fourth respondent, namely, the Commissioner, Gudalur Corporation, Gudalur, Theni District, is not having any role for grant of licence to erect cell phone tower.

5. From the available materials, it appears that there is no material to prove that the cell phone tower in the disputed land has been erected without due permission from the appropriate authority.



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6. Since the petitioner is waiting from the year 2016, this Court is inclined to dispose of the writ petition with the following direction:

“The first respondent, namely, the District Collector, Theni District, is directed to conduct an enquiry with regard to the erection of cell phone tower in the disputed land and to find out as to whether there is any due permission granted for erection of cell phone tower and if not so, remove it forthwith.”

7. Accordingly, the writ petition is disposed of. No costs.

15.02.2023

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



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B.PUGALENDHI, J.

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