



W.P(MD)No.27592 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.27592 of 2023
and
W.M.P(MD)No.23696 of 2023**

Village Developing Committee
Sadayalputhur,
Vempanoor Post - 629 801,
Kanyakumari District,
Tamilnadu,
Represented by its President,
Soosai Micheal,
S/o. Pushpadasan,
Door No.6/121 B, Sadayalputhuroor,
Vempanoor,
Kanyakumari District.

... Petitioner

Vs.

1.Union of India
Represented by the Secretary,
Ministry of Communications,
No.20, Sanhar Bhavan, Ashok Road,
New Delhi.



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2.The Secretary

Telecom Regulatory Authority of India (TRAI),
Maha Nagar Door,
Sanchar Bhavan,
Next to Zahir Hussain College,
Jawaharlal Nehru Marg,
New Delhi – 110 002.

3.Deputy Director General

Department of Communications,
Telecom Enforcement Resources and Monitoring,
3rd Floor, Telecom Building,
No.2, Bharathi Park Road,
No.II, Coimbatore – 641 043.

4.The Secretary to Tamilnadu

Special Cell, Secretariat,
St. George Fort,
Chennai - 600 009.

5.The District Collector

Kanyakumari District,
Nagercoil.

6.The Superintendent of Police

Kanyakumari District,
Nagercoil.



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7.The President

Melasankarankuzhi Village,
Kalkulam Taluk,
Kanyakumari District.

8.Devasundram

9.Balasundaram

10.Bharati Airtel

Represented by its Nodal Officer,
Having Office at Bharti Telemedia Limited,
6th Floor, Bacon IT Park,
Vanket Narayana Road,
T. Nagar,
Chennai – 600 017.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 so as to forbear tenth respondent from installing any mobile tower 70 cents comprised in Resurvey No.51/8A, Vembanoor West Village, Kalkulam Taluk and Kanyakumari District, belong to the respondents 8 and 9 and consequently direct the respondents 1 to 4 to ensure public safety and to effect prohibition order not to install any high frequency Transmission Cell Phone Tower within the residential areas



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of Sadayalputhooor Village, Vembanoor Post, Kalkulam Taluk and
Kanyakumari District.

For Petitioner : Mr.S.R.Sathan Boopathy

For Respondents : Mr.K.Govindarajan

Deputy Solicitor General

assisted by Mr.A.Srinivasan – for R1 to R3

Mr.P.Thilak Kumar – for R4 & R5

Government Pleader

Mr.T.Senthil Kumar – for R6

Additional Public Prosecutor

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.S.R.Sathan Boopathy, learned counsel for the petitioner, Mr.K.Govindarajan, learned Deputy Solicitor General assisted by Mr.A.Srinivasan, appearing for respondents 1 to 3, Mr.P.Thilak Kumar, learned Government Pleader appearing for respondents 4 and 5 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the sixth respondent.



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2. The learned counsel for the petitioner submits that respondent No.10 is illegally constructing the cell phone tower in the lands owned by respondent Nos.8 and 9. The representation has been given to the Collector, but no cognizance has been taken.

3. In case, the petitioner has filed application with the Collector, the Collector may take decision upon the application of the petitioner regarding construction of the cell phone tower on its own merits and in accordance with law, expeditiously.

4. Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[L.V.G., J.]

30.11.2023

Index : Yes / No
Neutral Citation : Yes / No

RM



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