



WEB COPY

W.P.No.6639 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.6639 of 2024

K.Pachiyammal

vs

.. Petitioner

- 1.The Government of Tamil Nadu
Rep. By its Secretary,
Information Technology Department,
Secretariat, Fort St.George,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Coimbatore.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore.
- 4.The Tahsildar,
The office of Tahsildar,
Coimbatore North Taluk.
- 5.The President,
Somaiyampalayam Panchayat,
Somaiyampalayam,
Coimbatore – 641 108.
- 6.GTL Infrastructure Limited,
City Centre,
New No.232, Old No.186,
3rd Floor Pursaiwalkam High Road,
Kilpauk, Chennai – 600 010.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing 2 to 4th respondents to implement the order dated 16.08.2023 passed by the 2nd respondent to remove the abandoned non-functional tower of 6th respondent, measuring to an extent



W.P.No.6639 of 2024

of 1980 sq ft. from petitioner's property situated at No.410A, Thadagam Main Road, Kanuvai, Somaiyampalayam (PO), Coimbatore – 641108, comprised in New Survey No.497/4, totally measuring to an extent of 15 cents in Somaiyampalayam Village, Coimbatore North Taluk and Coimbatore District, since tower is in dilapidated condition it may cause threat to loss of life, public safety and damage nearby property.

For Petitioner : Mr.S.Chetan Prakash

For Respondents : Mr.M.R.Gokul Krishnan,
Additional Government Pleader
for R1 to R5

Mr.C.Sakthi Manikandan for R6

ORDER

The petitioner is a super senior citizen aged 82 years. The property at 410-A, Thadagam Main Road, Kanuvai, Somaiyampalayam (PO), Coimbatore – 641 108, in new survey no.497/4, ad-measuring 15 cents had been purchased by her husband on 02.02.1968. Her husband had entered into a lease deed on 22.04.2006 with Aircel Limited for construction of Cellular Mobile Transmitting Equipment viz BTS Shelter Tower (40M) Antenna and other related Electronic Transreceiving equipment for a period of 15 years from 01.05.2006.

2. Pursuant to the demise of her husband on 16.09.2006, a supplementary lease deed has been entered into by the petitioner and other legal heirs for extension of Cellular Mobile Transmitting Equipment. The lease period expired on 03.04.2021 and has not been extended



W.P.No.6639 of 2024

thereafter. Aircel Limited had become bankrupt in the year 2018 and Chennai Network Infrastructure Limited (CNIL), in the business of Shared Passive Telecom Infrastructure, had acquired the tower business of Aircel. Said CNIL, had, thereafter merged with the sixth respondent.

3. The petitioner states that the tower has been in a badly dilapidated condition, deteriorating steadily from 2020 onwards, and poses a serious threat to the public. Several representations have been given to the authorities and the District Collector, Coimbatore has acted on representation dated 22.02.2023. Notice was issued both to the petitioner as well as R6 on the plea of the petitioner for dismantling of the tower.

4. After hearing the petitioner, as R6 did not appear before the authorities on the date of hearing, an order has come to be passed in Na.Ka.No.E635480/2023/C2 directing immediate removal of the tower by R4, noticing the dilapidated condition of the tower.

5. Despite order dated 16.08.2023, there has been no action by any of the respondents. It is in the above circumstances that the petitioner has sought a mandamus directing respondents 2 to 4 to implement order of the District Collector dated 16.08.2023 and remove the tower.

6. A counter has been filed by R6 denying that the tower is in dilapidated condition. However, it appears to be an admitted position that the tower is unused and that electricity connection has also been disconnected.



W.P.No.6639 of 2024

7. In such circumstances, there is no justification whatsoever to allow a 40 m tall tower, which is not in use, to be kept standing. The District Collector has also vide order dated 16.08.2023 observed that the tower is not in use and is dilapidated.

8. In light of the same, there is a direction to R6 to dismantle the tower, remove the same from the petitioner's property and restore the premises to the original state as at the time of commencement of lease. This process shall be carried out expeditiously and within a period of two months from today, failing which, there is a direction to the Revenue Divisional Officer/R3 to carry out the task of dismantling and bringing down the tower and restoring premises to their original condition. The proceeds , if any, from the sale of scrap will be appropriated to the treasury.

9. Writ petition stands disposed in terms of this order. No costs.

10.06.2024

Index:Yes/No
Neutral Citation:Yes
ssm



W.P.No.6639 of 2024

WEB COPY

To

- 1.The Secretary, Information Technology Department,
Secretariat, Fort St.George,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Coimbatore.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Coimbatore.
- 4.The Tahsildar,
The office of Tahsildar,
Coimbatore North Taluk.



WEB COPY



W.P.No.6639 of 2024

DR. ANITA SUMANTH,J.

ssm

W.P.No.6639 of 2024

10.06.2024