



WEB COPY

W.P.No.6766 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

**W.P.No.6766 of 2024
and WMP No.7538 of 2024**

Bommannan

.... Petitioner

VS

1. The District Collector,
Office of the District Collectorate,
Tiruchengode Road, Namakkal District
2. The Tahsildar,
The Tahsildar Office,
Mohanur Taluk, Namakkal District.
3. M/s.Bharti Airtel Limited
Airtel Zonal Office,
NSR Main Road, Saibaba Colony,
Coimbatore – 641 011.
4. Muthammal
5. Selvaraj

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 and 2 to take necessary action against the 3rd respondent by restraining from constructing the Base Transceiver Station (BTS) Tower/Cell Phone Tower in the agricultural land situated at Chinnapeythampatti Village, Mohanur Taluk, Namakkal District, comprised in Survey No.273/4, in violation of G.O.Ms.No.2, Information Technology Department dated 01.04.2002, so as to prevent the same, by considering the petitioner;s representation dated 07.03.2024.



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For Petitioner : Mr.K.M.Arun
For Respondents : Mr.S.John J.Raja Singh
Additional Government Pleader – R1 & R2

ORDER

Mr.S.John J.Raja Singh, learned Additional Government Pleader accepts notice for R1 and R2, being the District Collector, Namakkal District/R1 and the Tahsildar, Mohanur Taluk, Namakkal District/R2 respectively and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner has made a representation on 07.03.2024 to R1, wherein he seeks necessary action against R3, Bharti Airtel Limited to restrain them from constructing the Base Transceiver Station (BTS) Tower/Cell Phone Tower in the agricultural land situated in Survey No.273/4 at Chinnapeythampatti Village, Mohanur Taluk, Namakkal District ('land'/'land in question'). According to him, the land in question comprises agricultural land and hence setting up of a cell phone tower is in violation of G.O.Ms.No.2, Information Technology Department dated 01.04.2002.

3. The consideration of his request involves assimilation of various facts. According to the petitioner, there are sufficient



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documentary evidences available in support of his submissions.

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4. In such an event, mandamus is issued to R1 to take inputs from R2, conduct proper enquiry, ascertain the classification of the land in question, hear the petitioner, R3 as well as R4 and R5, who he claims are the owners of the land in question and thereafter dispose representation dated 07.03.2024, in accordance with law, within a period of two (2) weeks from date of receipt of a copy of this order.

5. The Court is conscious that notice has not been issued to R3 to R5. However, as, in light of the directions aforesaid, they will also be heard by R1 in the ensuing enquiry, their interests are duly protected.

6. Status quo, as on today, shall be maintained till the disposal of the representation by R1 or for a period of two (2) weeks, from date of receipt of this order, whichever is earlier.

7. This Writ Petition is disposed in the aforesaid terms. No costs.

Connected Miscellaneous Petition is closed.

13.03.2024

Index: Yes/No
Speaking order
Neutral Citation: Yes
sl

Note to Registry : Issue on 14.03.2024



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Dr.ANITA SUMANTH,J.

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1. The District Collector,
Office of the District Collectorate,
Tiruchengode Road, Namakkal District
2. The Tahsildar,
The Tahsildar Office,
Mohanur Taluk, Namakkal District.

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