



WP No.14108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

CORAM

THE HON'BLE MR.JUSTICE **G.R.SWAMINATHAN**

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Indus Towers Limited,
Rep. by its Authorized Signatory, Mr.S.Prasanna,
No.5, Espee IT Park, 5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai 600 097. : Petitioner

versus

1. The District Collector,
Coimbatore District.
2. The Divisional Revenue Officer,
Coimbatore District.
3. The Thasildar,
Mettupalayam Taluk, Coimbatore District.
4. The Superintendent of Police (Rural),
Coimbatore District.
5. The Deputy Superintendent of Police,
Mettupalayam Division, Coimbatore District.
6. The Inspector of Police,
Mettupalayam Police Station, Coimbatore District.



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7. R.S.Badrappan

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to permit the petitioner to access the roof top of the building bearing Door No.1A, Gandhi Maythanam, Ooty Main Road, Mettupalayam, Coimbatore 641301, for the purpose of operating and maintaining its mobile phone tower and its related equipments thereof installed there, on the representations dated 04.03.2024 and 08.05.2024 sent to the 1st and 2nd respondents vide registered post and received by them.

For Petitioner : Mr.S.Anil Sandeep

For Respondent : Mr.U.Baranidharan
Addl. Govt. Pleader for RR 1 to 3

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3. The issuance of notice to the 7th respondent is dispensed with.

2. The petitioner had installed a mobile phone tower on the roof top of the petition mentioned building. The building houses a lodge also. Since immoral activities were going on in the lodge, the revenue authorities have



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sealed the premises. Criminal prosecution has also been launched. The grievance of the petitioner is that on account of the sealing done by the revenue authorities, the petitioner could not access the roof top.

3. The learned counsel for the petitioner points out that because of the non-maintenance, there is a danger of the equipments even falling, thereby endangering the safety of the passers-by.

4. I find considerable merit and substance in the grievance projected by the petitioner herein. My attention is drawn to the relevant provisions set out in the Tamil Nadu Telecom Infrastructure Policy, 2022. It casts civil and criminal liability on the petitioner in the event of non-maintenance of the mobile phone tower. The petitioner has already submitted representations to the 1st and 2nd respondents seeking access.

5. Considering the above aspects, the second respondent is directed to look into the petitioner's grievance and devise appropriate remedial solution so that the petitioner will have an access to the mobile phone tower. Such a



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solution shall be evolved by the second respondent by taking into account the ground reality and the topographical features of the building. This shall be done by the second respondent within a period of ten days from the date of receipt of a copy of this order.

The writ petition is allowed on the aforesaid terms. There shall be no order as to costs. Consequently, WMP No.15300 of 2024 is closed.

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

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G.R.SWAMINATHAN, J.

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