



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.15380 of 2020  
and W.M.P.No.19237 of 2020

Bharti Airtel Limited,  
Rep. by its Authorised signatory & Legal Manager  
Mr.Vijeyakumar Raja  
Having Office at No.42/147 & 44/146,  
Santhome High Road & Rosary Church Road,  
Mylapore, Chennai 600 004.

.. Petitioner

Vs.

1.The Commissioner,  
Arcot Municipality,  
Arcot, Ranipet District – 632 503.

2.Govindaraj

3.The District Collector,  
District Collector Office, Ranipet District – 632 401.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent relating to the final order issued under section 216(3) of Tamil Nadu District Municipalities Act, 1920 dated 07.10.2020 and quash the same.



For Petitioner .. Mr.P.J.Rishikesh  
For Respondents .. Mr.B.Anand  
Standing Counsel for R1  
  
Mr.E.Shankar for R2  
  
Mr.T.Chandrasekaran  
Additional Government Pleader  
for R3

### ORDER

This writ petition has been filed in the nature of certiorari seeking records of the 1st respondent, the Commissioner, Arcot Municipality in Ranipet District, relating to the final order issued under section 216(3) of the Tamil Nadu District Municipalities Act, 1920, dated 07.10.2020 and quash the same.

2.In the affidavit filed in support of the writ petition, it has been contended that the petitioner had proposed to erect a mobile tower in the premises of the 2<sup>nd</sup> respondent, Govindaraj at No.6, Dhanalakshmi Nagar, Arcot, Ranipet District. The 2<sup>nd</sup> respondent had proper documents like building approval and planning permit issued by the statutory authorities. The petitioner had chosen that particular premises for putting up the cell phone tower. The 1<sup>st</sup> respondent, the Commissioner, Arcot Municipality and Ranipet District had issued a notice dated 19.03.2020 that they had received objections from the residents of the same locality for installation of a mobile tower. By the said



notice, the 1<sup>st</sup> respondent directed the details to be provided by the 2<sup>nd</sup> respondent about the building.

3.It is contended that the 2<sup>nd</sup> respondent/owner of the building had provided requisite details and supporting documents. But however, a Show Cause Notice was issued on 26.08.2020, stating that the installation of a cell phone tower would be against the provisions of the Tamil Nadu District Municipalities Act, 1920. The petitioner had issued a reply and also placed reliance on Government Orders which according to the petitioner and also according to the learned counsel for the petitioner provides exemption for the petitioner to put up a cell phone tower at the said premises. A final order was however passed under Section 216(3) of the Tamil Nadu District Municipalities Act, 1920 calling upon the petitioner to vacate and to dismantle the cell phone tower if already built. This writ petition has been filed questioning such order.

4.It is contended by the learned counsel for the petitioner that the representation of the petitioner is already pending before the District Collector, Ranipet. One of the neighbors, T.Manimekalai had filed W.P.No.12714 of 2020 and the petitioner herein was the 5<sup>th</sup> respondent and the owner of the premises Govindaraj was the 4<sup>th</sup> respondent. The learned Single Judge in that particular writ petition by an order dated 13.06.2023, after hearing the submissions of the both sides, had directed as follows:



7. Considering the limited relief sought for by the petitioner, without going into the merits of the contentions as well as the issues raised, this Court is inclined to issue a direction to the 1st respondent to consider the petitioner's representation, dated 14.08.2020 and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner as well as the private respondents, within a period of eight weeks from the date of receipt of a copy of this order.

5. It is seen that the enquiry to be conducted by the 1<sup>st</sup> respondent surrounds the proposals to put up the cell phone tower by the petitioner herein in the premises of Govindaraj who is the 2<sup>nd</sup> respondent herein and who was the 4<sup>th</sup> respondent in W.P.No.12714 of 2020. It may not be appropriate for the District Collector to examine the issue and parallelly for this Court to also examine the said issue. It will only be appropriate that one authority examines all the issues in the presence of all the parties viz., the petitioner herein, the owner of the premises/Govindaraj and one of the objectors T.Manimekalai, who had filed W.P.No.12714 of 2020.

6. In view of that particular fact, without entering into any discussion and giving liberty to the petitioner to present all the Government Orders which according to the learned counsel for the petitioner recognizes the right of the petitioner to put a cell phone tower and also grant exemption, before the District Collector, the writ petition stands disposed of with the very same direction viz., the 3<sup>rd</sup> respondent, the District Collector,



Ranipet District to issue notice to the petitioner herein, to the owner of the premises Govindaraj and to the writ petitioner in W.P.No.12714 of 2020/T.Manimekalai, examine all the representations and pass an appropriate order on the said representations. All the three parties to the said enquiry viz., the writ petitioner, the owner of the premises, Govindaraj and the writ petitioner in W.P.No.12714 of 2020 are permitted to submit fresh representations, since the earlier representations were of the year 2020 and there would be further development which they would like to bring to the notice of the District Collector. The District Collector on receipt of the representations from all the parties, from the date of the receipt of representations from all the parties, may endeavor to complete the enquiry, within a period of twelve weeks. Till such time, the notice now under challenge may be kept in abeyance and thereafter, the District Collector may issue appropriate directions to either reissue of the said notice or for withdrawal of the said notice. No Costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

Index:Yes/No

Internet:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

ssr



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**C.V.KARTHIKEYAN,J.**

ssr

To

- 1.The Commissioner,  
Arcot Municipality,  
Arcot, Ranipet District – 632 503.
- 2..The District Collector,  
District Collector Office, Ranipet District – 632 401.

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