



W.A.(MD) No.390 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

W.A.(MD) No.390 of 2021

and

C.M.P.(MD) No.1398 of 2021

S.Kaja Mohideen

... Appellant

-VS-

1.The District Collector
Dindigul District
Dindigul

2.The Revenue Divisional Officer
O/o.The Revenue Divisional Office
Dindigul District

3.The Tahsildar
O/o.The Tahsildar
Palani
Dindigul District

4.The Authorized Person
INDUS Tower Ltd.,
Ambar Nagar
Ekatuthangal IT Park, 5th Floor
Jawaharlal Nehru Road
Chennai-32

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 04.01.2021, passed in W.P.(MD) No.19626 of 2020, on the file of this Court.

For Appellant : Mr.M.Mohamed Imran

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader for R1 to R3
Mr.B.Ponnupandi for R4

J U D G M E N T

[Judgment of the Court was made by RMT.TEEKAA RAMAN, J.]

The appellant filed the writ petition in W.P.(MD) No.19626 of 2020 seeking for a direction to the respondents not to erect any cell phone tower in Survey No.174/1, Obulapuram, New Aayakudi, Palani, Dindigul District, without obtaining permission from the first respondent as contemplated under G.O.Ms.No.1, Information Technology (B4) Department, dated 21.02.2018.

2. The learned Single Judge, by order dated 04.01.2021, dismissed the said writ petition. Hence, this writ appeal.



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3. Today, when the matter was taken up for hearing, learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the situs of the land is in Survey No.142/2, Ward No.13 of West Aayakudi Village and objections have been received from the local authorities. On enquiry, it was found that a suit in O.S.No.46 of 2021 was filed before the Additional Sub Court, Palani, against the very same parties for the very same relief and by order dated 05.06.2024, the said suit was dismissed for default. As per the revenue records, the said land stands in the name of one Ajmal Khan, son of Ameer Amja and the appellant herein is not the owner of the subject land. However, he questions the agreement entered into between the owner of the land and the fourth respondent herein.

4. Since the civil suit has been dismissed, we are not inclined to entertain this writ appeal.

5. At this juncture, learned counsel for the appellant submitted that one Sahul Hameed filed the above suit and in the said suit, the appellant herein is not a party.



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6. On a perusal of the cause title, we find that the said Sahul Hameed is none other than the father of the appellant herein.

7. Accordingly, this writ appeal is dismissed. However, it is made clear that it is open to the appellant herein to agitate his rights before the civil forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

[T.K.R., J.]

[N.S., J.]

04.12.2024

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

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To:

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Dindigul District.
- 3.The Tahsildar,
O/o.The Tahsildar,
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