



WEB COPY

W.P.(MD)No.7428 of 2024



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.7428 of 2024**

N.Prabakaran

... Petitioner

Vs.

1.The District Collector,  
Madurai, Madurai District.

2.The Tahsildar, Taluk Office,  
Madurai North, Madurai.

3.The Assistant Engineer,  
Public Works Department,  
Periyar – Vaigai Sub Division,  
Madurai District.

... Respondents

**Prayer** : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from removing the tower till 13.07.2024 based on the representation dated 13.03.2024.

For Petitioner : Mr.M.Anbarasan

For Respondents : Mr.K.Balasubramani,  
Special Government Pleader



**ORDER**

WEB COPY

The petitioner had entered into a lease agreement with M/s.Reliance Infratel Limited for putting up a mobile phone tower. But a part of the base is in a water body. When the authorities took steps to have the same removed, the petitioner filed WP(MD)No.1289 of 2024. It was dismissed by us on 27.02.2024 in the following terms :

“2.The petitioner challenges the proposed move of the authorities to clear the encroachments in the Survey No.59/1, Anaiyur. It is beyond dispute that Survey No.59/1 has been classified as “water body”. The petitioner obviously cannot claim any right thereon. We however make it clear that the action for removal of encroachment should be confined to Survey No.59/1 alone. It is also seen that survey was already conducted on 31.01.2024. The petitioner was very much present. We are of the view that no interference is warranted. ”

2.Now the petitioner wants time till 13.07.2024 for removing the cell phone tower. The learned counsel for the petitioner states that if the petitioner is made to remove the tower, he will have to face adverse consequence including arbitral proceedings. The petitioner is directed to pay a sum of Rs.75,000/- as compensation within a period of fifteen days from today to the credit of the second respondent. The petitioner shall file an undertaking affidavit before the second respondent to remove the cell



**W.P.(MD)No.7428 of 202**

phone tower on or before 13.07.2024. If the petitioner fails to adhere to the undertaking given before this Court, it shall be removed without any further notice to the petitioner.

3.This writ petition is dismissed accordingly. No costs.

**(G.R.S, J. & B.P, J.)**

**26.03.2024**

skm

Note : Issue order copy on 28.03.2024.

To

- 1.The District Collector,  
Madurai, Madurai District.
- 2.The Tahsildar, Taluk Office,  
Madurai North, Madurai.
- 3.The Assistant Engineer,  
Public Works Department,  
Periyar – Vaigai Sub Division,  
Madurai District.



WEB COPY



**W.P.(MD)No.7428 of 202**

**G.R.SWAMINATHAN, J.  
AND  
B.PUGALENDHI, J.**

SKM

**WP(MD)No.7428 of 2024**

**26.03.2024**