



W.P(MD)No.12641 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12641 of 2024

and

W.M.P.(MD)No.11253 of 2024

M.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

4.The President,
Saminathan Panchayat,
Sivakasi Taluk,
Virudhunagar District.

5.M/s.Indus Towers Ltd.,
Represented by authorized signatory,
S.Prasana,
Having Office at
No.5, ESPEE IT PARK
5th Floor,
Jawaharhalal Nehru Road,
Ekkattuthangal,
Chennai 600 097.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to take action and forbear the 5th respondent from installing cell phone tower in survey number 969/3A, Enchar Village, Saminatham Panchayat, Sivakasi Taluk, Virudhunagar District as per G.O.(MS) No.4 dated 25.01.2022, Information technology (E1) department and Tamil Nadu Telecom Infrastructure Policy, 2022.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 to R4

ORDER

Heard both sides.

2. The case of the petitioner is that the 5th respondent had unauthorisedly installed the cellphone tower in the petition mentioned place without getting license from the first respondent.

3. The learned counsel appearing for the fifth respondent would contend that an application was submitted on 01.03.2023 and that he is said to have obtained deemed license on 07.03.2024. I do not want to go into the merits of the matter for the present. All that the petitioner wants in this case is that the first respondent should take action against the 5th respondent. The first respondent will invite remarks from the 5th respondent and pass a speaking



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order within a period of four weeks from the date of receipt of a copy of this order. Copy of the same will be communicated to the petitioner as well as the fifth respondent. If the first respondent sustains the stand of the petitioner and pass an adverse order against the fifth respondent, it shall not be enforced immediately. The fifth respondent will be given a breathing time of three weeks thereafter.

4. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

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G.R.SWAMINATHAN, J.

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