



W.P(MD)Nos.15169 & 15284 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)Nos.15169 & 15284 of 2021
and
W.M.P(MD)Nos.12110 & 12185 of 2021**

W.P(MD)No.15169 of 2021:

A.Balasubramanian

... Petitioner

VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
Madurai Corporation,
Madurai – 625 002.
- 3.The Commissioner of Police,
Madurai City,
Madurai – 625 002.
- 4.The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
- 5.Pandiarajan



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6.M/s.Indus Towers Limited,
Having its Circle Office at
5(NP), ESPEE, IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkathuthangal,
Chennai – 600 097,
Represented by its
Assistant Legal Manager,
S.Prasanna

... Respondents

(R – 3 & R – 4 given up vide order
dated 25.08.2021)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents 5 and 6 from erecting cell phone tower in Plot No.166, Tamil Nadu Housing Board Colony, Villapuram, Madurai – 11 and consequently direct the respondents 1 to 4 to stop the erection of cell phone tower in the Plot No. 166, Tamil Nadu Housing Board Colony, Villapuram, Madurai – 11 considering the petitioner's representation dated 09.08.2021.

For Petitioner : Mr.C.Mayilvahana Rajendran

For Respondent Nos.1, 3 & 4 : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondent No.2 : Mr.S.Vinayak

For Respondent No.6 : Mr.M.Ponniah

W.P(MD)No.15284 of 2021:

Sikkanthar Batcha

... Petitioner

vs.

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- 1.The District Collector,
Madurai District,
Madurai – 625 020.
- 2.The Commissioner,
Madurai Municipal Corporation,
Madurai – 625 002.
- 3.The Tahsildar,
Madurai South Taluk,
Madurai – 625 020.
- 4.M/s.Indus Tower Limited,
Having its Circle Office at 5(NP),
ESPEE, IT Park, 5th Floor,
Jawaharlal Nehru Road,
Ekkathuthagal, Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the fourth respondent from raising any construction or erecting a mobile tower in the landed property in Plot No.166, T.S.No.411/1, Ward No.61, Villapuram, Avaniyapuram, Madurai Corporation, Madurai District and consequently directing the respondents 1 and 2 not to issue any licence in favour of the fourth respondent for erecting the mobile tower and operations and installation of base station – Antenna in the said by considering the petitioner's representation dated 11.08.2021.



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For Petitioner	: Mr.J.Lawrance
For Respondent Nos.1 & 3	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent No.2	: Mr.K.K.Kannan
For Respondent No.4	: Mr.M.Ponniah

COMMON ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

W.P(MD)No.15169 of 2021 has been filed by the petitioner for issuance of a Writ of Mandamus, to forbear the respondents 5 and 6 from erecting cell phone tower in Plot No.166, Tamil Nadu Housing Board Colony, Villapuram, Madurai – 11 and consequently direct the respondents 1 to 4 to stop the erection of cell phone tower in the Plot No.166, Tamil Nadu Housing Board Colony, Villapuram, Madurai – 11 considering the petitioner's representation dated 09.08.2021.

2.W.P(MD)No.15284 of 2021 has been filed by the petitioner for issuance of a Writ of Mandamus, to forbear the fourth respondent from raising any construction or erecting a mobile tower in the landed property in



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Plot No.166, T.S.No.411/1, Ward No.61, Villapuram, Avaniyapuram, Madurai Corporation, Madurai District and consequently directing the respondents 1 and 2 not to issue any licence in favour of the fourth respondent for erecting the mobile tower and operations and installation of base station – Antenna in the said by considering the petitioner's representation dated 11.08.2021.

3.When the matter was taken up for hearing today, the learned Additional Government Pleader would submit that the first respondent/District Collector, Madurai, vide proceedings No.K.Dis. 49405/2020/C4, dated 24.08.2021, has granted permission for installation of cell phone tower.

4.In the light of the aforesaid proceedings, dated 24.08.2021, the prayer sought for by the petitioners cannot be entertained. Accordingly, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
06.03.2024

NCC : Yes / No
Index : Yes / No

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To

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Madurai District,
Madurai.
- 2.The Commissioner,
Madurai Corporation,
Madurai – 625 002.
- 3.The Commissioner of Police,
Madurai City,
Madurai – 625 002.
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- 5.The Tahsildar,
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Madurai – 625 020.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)Nos.15169 & 15284 of 2021

DATED : 06.03.2024