



W.P(MD).No.21485 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21485 of 2024

and

W.M.P(MD).No.18178 of 2024

T.Thankaraj

... Petitioner

Vs.,

1.The District Collector,
Nagercoil,
Kanniyakumari District.

2.The President,
Kalukootam Panchayat,
Kanniyakumari District.

3.The Executive Officer,
Kallukootam Panchayat,
Kanniyakumari District.

4.The Block Development Officer,
Kurunthangode,
Kanniyakumari District.

5.Sreekumar

6.Indus Towers,
ESPEE IT PARK, 5 (N.P), 5th Floor,
Jawaharlal Nehru Road, Ekkaduthangal,
Chennai 600 032.

... Respondents



W.P(MD).No.21485 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 4 to take immediate and appropriate action to stop the unauthorized erection of the mobile tower by respondents Nos.5 and 6 in Lakshmipuram Village at Survey No.846/8 and also direct the first respondent to take appropriate legal action against the fifth and sixth respondents for violating the conditions of the permission granted for erecting the mobile tower in Thiruvudhancode village and for attempting to construct the tower in a different location without proper authorization.

For Petitioner : Mr.SC.Herold Singh
For Respondent : Mr.A.Kannan (for R1)
Additional Government Pleader
Mr.J.Ashok (for R4)
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus directing the respondents 1 to 4 to take immediate and appropriate action to stop the unauthorized erection of the mobile tower by respondents Nos.5 and 6 in Lakshmipuram Village at Survey No.846/8 and also direct the first respondent to take appropriate legal action against the fifth and sixth respondents for violating the conditions of the permission granted for erecting the mobile tower in Thiruvudhancode village and for attempting to construct the tower in a different location without proper authorization.



W.P(MD).No.21485 of 2024

WEB COPY

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that the petitioner is the permanent resident of Lakshmipuram Village. The respondents 5 and 6 had obtained permission for erection of mobile tower in Thiruvadhancode Village, but they attempted to erect the mobile tower in Lakshmipuram Village. The same was objected by the entire villagers. In this regard, the petitioner gave a representation pointing out that no permission whatsoever was granted for erecting the mobile tower in Lakshmipuram Village. The same has not been considered so far. Hence, the petitioner is before this Court.

4. The RTI reply obtained by the petitioner also clearly indicates that permission was granted only in respect of Thiruvadhancode Village and not in respect of Lakshmipuram Village.

5. The learned Additional Government Pleader, on instructions, would submit that no permission has been granted to erect the tower in Lakshmipuram Village. In view of agitation, the District Collector has issued notice to stop the



W.P(MD).No.21485 of 2024

erection of the said tower. Now, the work is also stopped. The communication given to the Government Pleader by the Executive Officer of the Kallukootam Town Panchayat, is also placed before this Court.

6. Recording the above, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

10.09.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

1.The District Collector,
Nagercoil,
Kanniyakumari District.

2.The Block Development Officer,
Kurunthangode,
Kanniyakumari District.



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W.P(MD).No.21485 of 2024

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.21485 of 2024

10.09.2024