



WEB COPY

W.P.(MD)No.24727 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.24727 of 2024
and
W.M.P.(MD)No.21038 of 2024**

D.Raja

... Petitioner

-VS-

1.The District Collector,
Trichy,
Trichy District.

2.The Revenue Divisional Officer,
Musuri, Trichy District.

3.The Tahsildar,
Thottium Taluk,
Trichy District.

4.The President,
Thottium Panchayat,
Trichy District.

5.Tower Vision India Private Limited,
27, Raj Plaza,
100 Feet Road,
Rathnapuri, Koyambedu,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of 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 the 5th respondent in the residential area at Survey No.39/3A5, Mankottai Street, Thottium Village, Thottium Taluk, Trichy District by considering the representation of the petitioner dated 15.06.2024 and remainder representation



W.P.(MD)No.24727 o

dated 09.09.2024.

For Petitioner : Mr.S.C.Herold Singh

For R-1 to R-4 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

“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 the 5th respondent in the residential area at Survey No.39/3A5, Mankottai Street, Thottium Village, Thottium Taluk, Trichy District by considering the representation of the petitioner dated 15.06.2024 and remainder representation dated 09.09.2024.”

2. A Mandamus sought for cannot be granted as it will interfere with the right of the land owner assured under Article 300-A of the Constitution of India. Though it is claimed that the cell phone tower is to be raised in a residential area and there will be radiation, there is no scientific proof that such radiation emanating from the cell phone tower has the effect of affecting human health.

3. Hence, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

19.10.2024

NCC : Yes/No

Index : Yes/No

<https://www.indianjudiciary.com/> Yes



W.P.(MD)No.24727 o



- 1.The District Collector,
Trichy,
Trichy District.
- 2.The Revenue Divisional Officer,
Musuri, Trichy District.
- 3.The Tahsildar,
Thottium Taluk,
Trichy District.
- 4.The President,
Thottium Panchayat,
Trichy District.



WEB COPY



W.P.(MD)No.24727 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

W.P.(MD)No.24727 of 2024

19.10.2024