



W.P (MD).No.29866 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.29866 of 2024

and

W.M.P(MD)No.25162 of 2024

Arumuga Pandi

...Petitioner

Vs.

1.The District Collector,
O/o.Collectorate,
Tenkasi.

2.The Manager,
M/s.Indus Tower Limited, Espee IT Part,
5 (N.P), 5th Floor,
Jawaharlal Nehru Road,
Ekkaduthangal, Chennai-600 032.

3.Durairaj

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to conduct a physical inspection in the proposed site of SF.No.95/2B of Pavoorchatram, Kalloorani Revenue Village, Tenkasi District and to hear the resident's inconvenience before allowing the second respondent to erect the mobile phone tower based on the petitioner's representation, dated 16.09.2024.

For Petitioner : Mrs.V.Sujatha
For R1 : Mr.M.Senthil Ayyanar



W.P (MD).No.29866 of 2024

area, that apart, now, the first respondent inspected the subject land and permitted the second respondent to erect the cell phone tower by an order dated 16.10.2024 on the following conditions:

- "1. A copy of Licensel registration certificate granted by the Central Government.*
- 2. The nature and location, including latitude and longitude, of post or other above ground contrivances proposed to be established.*
- 3. Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by the Applicant in respect of mobile tower/Base Transceiver Station (BTS) establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennas starts radiating.*
(Note-It can be submitted within 90 days after radiating the tower).
- 4. Copy of SACFA clearance/copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, Applicant will take corrective actions/remove the tower.*
(Note: the copy can be submitted to the Nodal Officer as soon as the location is finalized and the tower starts radiating).
- 5. Copy of the type test certificate issued by automotive Research Association of India (ARAI) to the manufacturers of the Diesel*



W.P (MD).No.29866 of 2024

Generator (DG) Sets. (In case the capacity of the DG is above 1 MVA).

6. The Nodal Officer/Local Body may also seek the copy of No Objection Certificate (NOC) from building owners/entities having roof top rights in case of roof based tower or from land owner in case of ground based tower.

7. Copy of Clearance from Fire Safety Department only in case for high rise building where fire Clearances is mandatory.

8. For Forest, protected area, the copy of clearances from State Environment & Forest Department, if applicable."

5. Therefore, there is no question of further inspection by the first respondent and as such, a direction sought for in this writ petition cannot be considered and it is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. If any hindrance while erecting the cell phone tower in the subject property, the second respondent is at liberty to seek necessary police protection before the concerned jurisdictional police.

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order

11.12.2024



W.P (MD).No.29866 of 2024

am

To

The District Collector,
O/o.Collectorate,
Tenkasi.



WEB COPY



W.P (MD).No.29866 of 2024

G.K.ILANTHIRAIYAN, J.

am

W.P (MD).No.29866 of 2024

11.12.2024