



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.40815 of 2005, 14991 of 2007

and

23128 of 2018

and

W.M.P. Nos.27026 and 27027 of 2018

and

W.P. M.P. No.43790 of 2005

and

M.P. No.2 of 2007

M.P. No.1 of 2014

1. Bharat Sanchar Nigam Ltd.,
(A Govt. of India Enterprise)
Rep. by
The Deputy General Manager (Planning)

2. Sub-Divisional Engineer (Groups),
Bharat Sanchar Nigam Ltd.,
Telephone Exchange,
Sankarapuram,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Villupuram.

3. Sub-Divisional Engineer (Groups),
BSNL, Telephone Exchange,
Arakandanallur
Villupuram Dt.

.... Petitioners
in W.P. No.40815 of 2005

vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Govt. of Tamil Nadu,
Chepauk,
Chennai – 600 005.

2. The Accountant General (Audit – II),
Tamil Nadu,
No.61, Greams Road,
Chennai – 600 006.

3. The Secretary
Information Technology Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 005.

4. The Secretary,
Revenue Department,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Government of Tamil Nadu,
Secretariat,
Chennai – 600 005.

5. The Secretary,
Highways Department,
Government of Tamil Nadu
Secretariat,
Chennai – 600 005.

6. The District Collector,
Cuddalore District,
Cuddalore – 607 001.

7. The District Collector,
Villupuram District,
Collectorate,
Villupuram – 605 602.

8. Tahsildar,
Taluk Office,
Sankarapuram,
Villupuram Dt.

9. Tahsildar
Taluk Office,
Tirukoilur,
Villupuram Dt.

... Respondents
in W.P. No.40815 of 2005



WEB COPY



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

1. Bharat Sanchar Nigam Ltd.,
(A Govt. of India Enterprise)
Rep. by
The Deputy General Manager (Planning)

2. The Divisional Engineer (Mtce),
Bharat Sanchar Nigam Ltd.,
Telephone Exchange,
Attur.

... Petitioners
in W.P. No.14991 of 2007

vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Govt. of Tamil Nadu,
Chepauk,
Chennai – 600 005.

2. The Accountant General (Audit – II),
Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

3. The Secretary
Information Technology Department,
Government of Tamil Nadu,
Secretariat,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Chennai – 600 005.

4. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

5. The Secretary,
Highways Department,
Government of Tamil Nadu
Secretariat, Chennai – 600 005.

6. The District Collector,
Salem District,
Collectorate,
Salem – 636 001.

7. The District Collector,
Namakkal District,
Collectorate,
Namakkal.

8. Tahsildar,
Taluk Office,
Attur.

... Respondents
in W.P. No.14991 of 2007



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

1. Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise),
Represented by the Deputy General Manager (A & P)

2. The Divisional Engineer (Rural,
BSNL, Telephone Exchange,
Sathyamangalam.

3. The Divisional Engineer (Rural),
BSNL, Telephone Exchange,
Gobichettipalayam.

4. The Divisional Engineer (Rural),
BSNL, Telephone Exchange,
Bhavani.

5. The Divisional Engineer (Rural),
BSNL, Telephone Exchange,
Perundurai.

6. The Divisional Engineer (External),
BSNL, Telephone Bhavan,
Erode.

7. The Divisional Engineer (Rural),
BSNL, Telephone Bhavan,
Erode.

8 The Divisional Engineer (Rural),
BSNL, Telephone Exchange,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Dharapuram.

9. The Divisional Engineer (Rural),
BSNL, Telephone Exchange,
Kangayam.

... Petitioners
in W.P. No.23128 of 2018

vs.

1. The Special Commissioner and
Commissioner of Land Administration,
Govt. of Tamil Nadu, Ezhilagam,
Chepauk, Chennai-600 005.

2. The Secretary.
Information Technology Department,
Government of Tamilnadu,
Secretariat, Chennai 600 009.

3. The Secretary,
Revenue Department, (LRV-2)
Government of Tamilnadu,
Secretariat, Chennai-600 009.

4. The Secretary,
Highways and Rural Works Department,
Government of Tamilnadu.
Secretariat,
Chennai-600 005.

5. The Commissioner,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Commissionerate of Municipal Administration,
Ezhilagam, Chepauk.
Chennai 600 005.

6. The Director,
The Directorate of Town Panchayats, Kuralagam,
Chennai-600 108.

7. The District Collector,
Erode District, Collectorate,
Erode-638 001.

8. The Accountant General (Audit-II),
Tamil Nadu, 361, Anna Salai,
Teynampet, Chennai-600 018.

9. The Commissioner,
Bhavani Municipality, Bhavani,
Erode District.

10. The Commissioner
Gobichettipalayam Municipality,
Gobichettipalayam,
Erode District.

11. The Commissioner,
Punjai Puliyampatti Municipality.
Erode District.

12. The Commissioner,
Sathyamangalam Municipality,
Sathyamangalam,
Erode District.



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

WEB COPY

13. The Commissioner,
Erode Municipality,
Erode District.

14. The Block Development Officer (Panchayats),
Sathyamangalam Panchayat Union,
Sathyamangalam,
Erode District.

15. The President / Administrative Officer,
Savundapur Panchayat, Savundapur,
Gobichettipalayam Panchayat Union, Erode District.
Pin: 638 502.

16. The Block Development Officer (Village Panchayats),
Panchayat Union Office,
Thookkanaickenpalayam,
Erode District.

17. The Block Development Officer,
Panchayat Union Office,
Modakurichi, Erode District.

18. The Executive Officer,
Athani Town Panchayat,
Erode District.

19. The Executive Officer,
Pethampalayam Town Panchayat,
Perunthurai Panchayat Union,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Erode District.

20. The Executive Officer,
Bhavanisagar Town Panchyat,
Bhavanisagar, Erode District.

21. The Executive Officer,
Ayalur Panchayat,
Gobichettipalayam Panchayat Union,
Malliyalayam- 638 543.

22. The Executive Officer,
Modachur Panchayat,
Gobichettipalayam Panchayat Union,
Erode District.

23. The Executive Officer,
Olagadam Town Panchayat,
Olagadam-638 314. Erode District.

24. The Executive Officer,
Kugalur Town Panchayat,
Kugalur-638 313, Erode District.

25. The Executive Officer,
Kanjikovil Town Panchayat,
Kanjikovil,
Erode District.



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

26. The Executive Officer,
Jambai Town Panchayat,
Jambai,
Erode District.

27. The Executive Officer,
Nallampatti Town Panchayat.
Nallampatti-638 057.
Erode District.

28. The Executive Officer,
Surampatti Third Grade Municipality,
Erode 11.
Erode District.

29. Tahsildar,
Taluk Office,
Erode,
Erode District.

30. The Executive Officer,
Kasipalayam Town Panchayat
Gobichettipalayam.

31. The Commissioner,
Panchayat Union,
Vellakoil.

32. The Executive Officer,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Kannivadi,
Mulanur.

33. The Commissioner,
Panchayat Union,
Kundadam.

34. The Executive Officer,
Muthur Town Panchayat,
Muthur.

35. The Executive Officer,
Kilambadi Town Panchayat
Malaiyampalayam post.

36. The Executive Officer,
Elathur Town Panchayat,
Nambiyur

37. The Executive Officer,
Ariyappampalayam Town Panchayat,
Sathyamangalam.

38. The Executive Officer,
Koalppalur Town Panchayat,
Gobichettipalayam.

39. The Executive Officer,
Mulanur Town Panchayat,
Mulanur



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

WEB COPY

40. The Commissioner,
Panchayat Union,
Erode.

41. The Executive Officer,
Kollankoil Town Panchayat,
Erode.

42. The Executive Officer,
P. Mettupalayam Town Panchayat,
P.Mettupalayam.

43. The Executive Officer,
Koathupalayam,
Dharapuram.

44. The Commissioner,
Dharapuram Municipality,
Dharapuram.

45. The Commissioner,
Panchayat Union,
Thukanaickenpalayam,
Gobichettipalayam.

.... Respondents
in W.P. No.23128 of 2018

Prayer in W.P. No.40815 of 2005 : Writ Petition filed under Article 226 of the
Constitution of India praying to issue Writ of Certiorari, calling for the records



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

of the 3rd respondent in impugned G.O. (D) No.35 dated 24.09.2004 issued by Information Technology Department and quash the same.

Prayer in W.P. No.14991 of 2007 : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the records of the 3rd respondent in impugned G.O. (D) No.35 dated 24.9.2004 issued by Information Technology Department and quash the same.

Prayer in W.P. No.23128 of 2018 : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, calling for the records of the 2nd respondent in impugned G.O. (D) No.35 dated 24.09.2004 issued by Information Technology Department and quash the same and consequently not to give effect the impugned circular bearing Roc. No.13052/Track Rent/D2/2017 dated 28.03.2018 issued by the fifth respondent.

For Petitioner in all W.P.s : Mr.S. Udayakumar

For respondents in
W.P. No.40815 of 2005
& 14991 of 2007

: Mr.P.S. Raman
Advocate General
Asstd. By Mr.P. Ganesan
Addl. Govt. Pleader for R1 to R7

For respondents in



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

W.P. No.23128 of 2018

WEB COPY

: Mr.P. Ganesan
Addl. Govt. Pleader for
RR1 to 7, 15, 21, 22, 29, 31, 39 to 41, 45.
Dr. T. Srinivasan
Spl. Govt. Pleader for R9 and R12
Ms.S. Anitha
Spl. Govt. Pleader for R14
Mr.M. Rajendiran
Addl. Govt. Pleader for R17
Ms.P. Ishwariya
Govt. Advocate for R27
Mr.M.S. Premkumar
Govt. Advocate for R28
Mr.A.M. Ayyadurai
Govt. Advocate for R32, R43
Mr.C. Selvaraj
Addl. Govt. Pleader for R44
Mr.B. Anand for R10 and R11
Mr. Rajamathivanan for R13
Mr.V. Jayaprakash Narayanan
for RR16, 18 & 19
Mr.D. Suryanarayanan
RR20, 21, 24, 25, 26, 30, 33, 34, 35, 36, 42
Ms.P. Rajalakshmi
for RR38

COMMON ORDER

The petitioner, Bharat Sanchar Nigam Limited (BSNL), a Government of India



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

undertaking formed to carry out telecom services, is under the administrative control of the Department of Telecommunications. The petitioner is aggrieved by G.O. No.35, dated 24.09.2004, issued by the Information Technology Department, whereby BSNL was directed to pay track rent for the use of public places and roads for laying Optical Fibre Cables (OFC), required for their telecom operations. Challenging the said Government Order viz., G.O. No.35 dated 24.09.2004, these writ petitions have been filed.

2. *Learned Advocate General, assisted by Mr.P. Ganesan , learned Additional Government Pleader appearing for respective respondents would submit that subsequent to the issuance of G.O. No.35, as referred to supra, the State Government has framed new rules, and consequent to which, the Tamil Nadu Telecom Infrastructure Policy, 2022 was also framed. He drew the attention of this Court to Chapter IV(6) of the Tamil Nadu Telecom Infrastructure Policy, 2022, which reads as under :-*

“6) In line with the Indian Telegraph Right of Way Rules, 2016, no track rent (one-time or annually) shall be charged by any District Nodal Officer or Appropriate Authority for grant of any permission under any existing Government Orders of annual track rent issued by Revenue and Disaster Management / Rural Development and Panchayat Raj or Municipal Administration & Water Supply departments”.



WEB COPY



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

3. *He further submitted that the State Government has duly aligned its position with the Government of India guidelines, and track rent has been completely waived from the year 2022 onwards. In view of the subsequent change in policy and waiver of track rent, nothing survives for adjudication in these writ petitions and the same may be closed.*

4. Recording the aforesaid submissions, these writ petitions are closed.

No costs. Consequently connected miscellaneous petitions are closed.

12.11.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

vsi2

To

1. The Special Commissioner and

17/28



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Commissioner of Land Administration,
Govt. of Tamil Nadu,
Chepauk,
Chennai – 600 005.

2. The Accountant General (Audit – II),
Tamil Nadu,
No.61, Greams Road,
Chennai – 600 006.

3. The Secretary
Information Technology Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 005.

4. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 005.

5. The Secretary,
Highways Department,
Government of Tamil Nadu
Secretariat,
Chennai – 600 005.

6. The District Collector,
Cuddalore District,
Cuddalore – 607 001.

7. The District Collector,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Villupuram District,
Collectorate,
Villupuram – 605 602.

8. Tahsildar,
Taluk Office,
Sankarapuram,
Villupuram Dt.

9. Tahsildar
Taluk Office,
Tirukoilur,
Villupuram Dt.

10. The Special Commissioner and
Commissioner of Land Administration,
Govt. of Tamil Nadu,
Chepauk,
Chennai – 600 005.

11. The Accountant General (Audit – II),
Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

12. The Secretary
Information Technology Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 005.



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

WEB COPY

13. The Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

14. The Secretary,
Highways Department,
Government of Tamil Nadu
Secretariat,
Chennai – 600 005.

15. The District Collector,
Salem District,
Collectorate,
Salem – 636 001.

16. The District Collector,
Namakkal District,
Collectorate,
Namakkal.

17. Tahsildar,
Taluk Office,
Attur.

18. The Special Commissioner and
Commissioner of Land Administration,
Govt. of Tamil Nadu, Ezhilagam,
Chepauk, Chennai-600 005.



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

WEB COPY

19. The Secretary.

Information Technology Department,
Government of Tamilnadu,
Secretariat, Chennai 600 009.

20. The Secretary,

Revenue Department, (LRV-2)
Government of Tamilnadu,
Secretariat, Chennai-600 009.

21. The Secretary,

Highways and Rural Works Department,
Government of Tamilnadu.
Secretariat,
Chennai-600 005.

22. The Commissioner,

Commissionerate of Municipal Administration,
Ezhilagam, Chepauk.
Chennai 600 005.

23. The Director,

The Directorate of Town Panchayats, Kuralagam,
Chennai-600 108.

24. The District Collector,

Erode District, Collectorate,
Erode-638 001.



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

25. The Accountant General (Audit-II),
Tamil Nadu, 361, Anna Salai,
Teynampet, Chennai-600 018.

26. The Commissioner,
Bhavani Municipality, Bhavani,
Erode District.

27. The Commissioner
Gobichettipalayam Municipality,
Gobichettipalayam,
Erode District.

28. The Commissioner,
Punjai Puliyampatti Municipality.
Erode District.

29. The Commissioner,
Sathyamangalam Municipality,
Sathyamangalam,
Erode District.

30. The Commissioner,
Erode Municipality,
Erode District.

31. The Block Development Officer (Panchayats),
Sathyamangalam Panchayat Union,
Sathyamangalam,
Erode District.

32. The President / Administrative Officer,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Savundapur Panchayat, Savundapur,
Gobichettipalayam Panchayat Union, Erode District.
Pin: 638 502.

33. The Block Development Officer (Village Panchayats),
Panchayat Union Office,
Thookkanaickenpalayam,
Erode District.

34. The Block Development Officer,
Panchayat Union Office,
Modakurichi, Erode District.

35. The Executive Officer,
Athani Town Panchayat,
Erode District.

36. The Executive Officer,
Pethampalayam Town Panchayat,
Perunthurai Panchayat Union,
Erode District.

37. The Executive Officer,
Bhavanisagar Town Panchyat,
Bhavnaissagar, Erode District.

38. The Executive Officer,
Ayalur Panchayat,
Gobichettipalayam Panchayat Union,
Malliyalayam- 638 543.

39. The Executive Officer,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Modachur Panchayat,
Gobichettipalayam Panchayat Union,
Erode District.

40. The Executive Officer,
Olagadam Town Panchayat,
Olagadam-638 314. Erode District.

41. The Executive Officer,
Kugalur Town Panchayat,
Kugalur-638 313, Erode District.

42. The Executive Officer,
Kanjikovil Town Panchayat,
Kanjikovil,
Erode District.

43. The Executive Officer,
Jambai Town Panchayat,
Jambai,
Erode District.

44. The Executive Officer,
Nallampatti Town Panchayat.
Nallampatti-638 057.
Erode District.

45. The Executive Officer,
Surampatti Third Grade Municipality,
Erode 11.



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Erode District.

46. Tahsildar,
Taluk Office,
Erode,
Erode District.

47. The Executive Officer,
Kasipalayam Town Panchayat
Gobichettipalayam.

48. The Commissioner,
Panchayat Union,
Vellakoil.

49. The Executive Officer,
Kannivadi,
Mulanur.

50. The Commissioner,
Panchayat Union,
Kundadam.

51. The Executive Officer,
Muthur Town Panchayat,
Muthur.

52. The Executive Officer,
Kilambadi Town Panchayat
Malaiyampalayam post.



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

WEB COPY

53. The Executive Officer,
Elathur Town Panchayat,
Nambiyur

54. The Executive Officer,
Ariyappampalayam Town Panchayat,
Sathyamangalam.

55. The Executive Officer,
Koalppalur Town Panchayat,
Gobichettipalayam.

56. The Executive Officer,
Mulanur Town Panchayat,
Mulanur

57. The Commissioner,
Panchayat Union,
Erode.

58. The Executive Officer,
Kollankoil Town Panchayat,
Erode.

59. The Executive Officer,
P. Mettupalayam Town Panchayat,
P.Mettupalayam.

60. The Executive Officer,
Koathupalayam,



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

Dharapuram.

61. The Commissioner,
Dharapuram Municipality,
Dharapuram.

62. The Commissioner,
Panchayat Union,
Thukanaickenpalayam,
Gobichettipalayam.

M. DHANDAPANI, J.

vsi2



WEB COPY



W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

W.P. Nos.40815 of 2005, 14991 of 2007
and
23128 of 2018

and
W.M.P. Nos.27026 and 27027 of 2018
and
W.P. M.P. No.43790 of 2005
and
M.P. No.2 of 2007
M.P. No.1 of 2014

12.11.2025