



W.P.No.12867 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 09.04.2025

Coram:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12867 of 2025
& W.M.P.No.14403 of 2025

A. Joyce Mai,
S/o. Alfred Mai,
Plot No. 4, Subamangala Layout,
3rd Street, Sreepathy Nagar Extn,
Coimbatore - 641 036.

.... Petitioner

versus

1. The District Collector/ Nodal Officer,
District Level Telecom Committee (DLTC),
Coimbatore Collectorate,
State Bank Road,
Coimbatore - 641 018.

2. The Commissioner,
Coimbatore Corporation, Town Hall,
Coimbatore - 641 001.

3. The Revenue Divisional Officer,
Coimbatore South,
Revenue and Disaster Management Department,
Coimbatore Collectorate,
State Bank Road,
Coimbatore - 641 018.



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4. The Tahsildar,
Coimbatore South,
Huzur Road, Coimbatore - 641 018.

5. The Revenue Inspector,
Ramagowder Street,
Coimbatore - 641 001.

6. The Superintending Engineer,
TANGEDCO, Tatabad,
Coimbatore – 641 012.

7. The District Fire Officer,
Tamil Nadu Fire & Rescue Service,
State Bank Road,
Coimbatore - 641 018.

8.M/s.Tower Vision India Private Limited,
No. 28, AMG Towers,
Lawyer Jagannathan Street,
Alandur,
Chennai – 600 016.

9. S. Thenmozhi,
W/o. P. Krishnakumar,
D. No.118/1 and 118/2, 3rd Street,
Sreepathy Nagar Extension,
Coimbatore – 641 036.

10. M/s. Ascend Telecom Infrastructure Private Limited,
Represented by its Authorized Signatory,
Mr. Tamilselvan,
Old No. 32, New No.54, Butt Road,
St. Thelmas Mount, Near Kathipara Junction,
Chennai - 600 016.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India,



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praying to issue a Writ of Mandamus, directing the official respondents to forbear the 8th and 9th respondent to construct the Mobile Tower in the premises of the 9th respondent which is contrary to the rules contemplated under the Tamil Nadu Combined Building and Development Rules, 2019 and the Tamil Nadu Telecom Infrastructure Policy, 2022 based on the representation of the petitioner.

For Petitioner : Mr.K.Vasanthanayagan

For Respondents : Mr.P.Murthi,
Government Advocate, for R1, R3 to R5
: Mr.N.Velmurugan, Standing Counsel, for R2
: Mr.L.Jaivenkatesh, (TANGEDCO), for R6

ORDER

This writ petition is filed for a mandamus to forbear the 8th, 9th and 10th respondent from constructing the mobile tower in the premises of the 9th respondent.

2. Upon hearing the Learned Counsel for the petitioner and perusing the affidavit filed in support of the writ petition, it is the contention of the petitioner that the 10th respondent is now going to construct the mobile tower in the premises of the 9th respondent. The petitioner is residing very close by and therefore, he is aggrieved of the same.



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3. According to the Learned Counsel for the petitioner, as per Rule 11

(3) of the Tamil Nadu Telecom Infrastructure Policy, 2022, the 10th respondent cannot erect the tower in the 9th respondent premises. It is his further contention that the permission of the Collector is also not taken.

4. In the said Policy 11 (3) is extracted hereunder for ready reference.

11. Application submitted by an applicant.

(1)....

(2)....

(3) *The Overground Telegraph Infrastructure shall be permitted in irrespective of its land use/occupancy on the building including but not limited to the premises of:*

(a) *All institutional/Government buildings/hospitals excluding sub-stations.*

(b) *All residential buildings including Multi Storied Buildings Group Housing Complexes.*

(c) *Buildings used for Industrial and Commercial purposes.*

(d) *All kind of vacant lands like parks, playgrounds, forest land and land earmarked for public amenities, hospitals or schools or playgrounds.*



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5. Therefore, on a reading of the same, it cannot be said that the premises of the 9th respondent is excluded by the said Rule.

6. Therefore, I am unable to agree with the Learned Counsel for the petitioner regarding his first contention.

7. It is the further case of the petitioner that the tower has been erected without the permission of the District Collector. It can be seen that as per the Rules, the District Collector is the Nodal Officer and whoever has to erect the mobile tower has to approach the Nodal Officer and get the licence/permission before commissioning of the tower.

8. In view of the limited relief that is granted, this writ petition is disposed of at the admission stage, without notice to the private respondents.

(i). The first respondent shall consider the representation dated 16.12.2024 and pass orders thereon in accordance with law.

(ii) The first respondent can also afford opportunity to the petitioner



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and also the private respondents 8 to 10 before deciding the matter.

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(iii) The said exercise shall be completed within a period of 12 weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

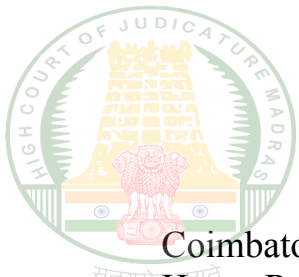
Consequently, connected Miscellaneous Petition is closed. No costs.

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Neutral citation:No.
bsm

- To,
1. The District Collector/ Nodal Officer,
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Coimbatore Collectorate,
State Bank Road,
Coimbatore - 641 018.
 2. The Commissioner,
Coimbatore Corporation, Town Hall,
Coimbatore - 641 001.
 3. The Revenue Divisional Officer,
Coimbatore South,
Revenue and Disaster Management Department,
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 4. The Tahsildar,

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5. The Revenue Inspector,
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8. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY,J.

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