



W.P.No.22295 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 23.06.2025

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.22295 of 2025

M.P.Kuzhandaivel

.. Petitioner

Vs.

1.Union of India

Rep. by its Secretary

Ministry of Communication & Information Technology

Electronics Niketan

No.6, CGO Complex

Lodhi Road, New Delhi 110 003

2.The Principal Secretary to Government

Department of Information Technology and Digital Service

Secretariat, Fort St. George

Chennai 600 009

3.The District Collector

District Collectorate

Railway Station Road

Coimbatore 641 018

1/6



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4.The Joint Director

Western Region

Tamil Nadu Fire and Rescue Service Department

Railway Station Road

Coimbatore 641 018

5.The Superintendent of Police

Coimbatore District

Railway Station Road

Coimbatore 641 018

6.The Tahsildar

Perur Taluk

Coimbatore Taluk

7.The President

Madhampatty Village Panchayat

Madhampatty

Perur Taluk

Coimbatore

8.The Inspector of Police

Perur Police Station

Perur, Coimbatore District

9.The Managing Director

Aircel Ltd.

5th Floor, Spencer Plaza

769, Anna Salai

Chennai 600 002



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10. The Manager

Chennai Network Infrastructure Limited (CNIL)

New No.232, Old No.186

City Centre, 3rd Floor

Purasaiwalkam High Road

Kilpauk, Chennai 600 010

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 2 to 4 to remove the installed Cellular Mobile Transmitting Equipment (CMTE) Tower by the respondents 9 and 10 to installation of BTS Shelter, Tower (40M Maximum) Antenna and other Telecom equipment from the petitioner's land in S.No.289/A situated at Madhampatti Village, Perur Taluk, Coimbatore District, based on the petitioner's representation dated 17.05.2024.

For Petitioner	: Mr.Bala Ramesh for Mr.K.Vasanthanayagan
For R1	: Mr.R.Subramanian Central Govt. Standing Counsel
For RR2, 3 & 4	: Mr.E.Veda Bagath Singh Special Government Pleader
For RR5 & 8	: Mr.Leonard Arul Joseph Selvam Government Advocate (Crl. Side)
For R7	: Mr.Venkata Seshaiya Government Advocate



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ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents 2 to 4 to remove the cell phone tower that was installed in the property belonging to the petitioner, which remains idle for a long period of time.

2. In the considered view of this Court, if the cell phone tower has been laid in the property belonging to the petitioner by the concerned service provider and it had not been utilised, it has to be removed by the petitioner, if the period for which permission was granted, has expired. If there is no response from the service provider, the petitioner can approach the competent Civil Court and seek for relief of mandatory injunction. The authorities who have been arrayed in the present writ petition, will have no role to play in a case of this nature. Except giving this clarity, no further orders can be passed in this writ petition.



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With the above observations, this writ petition is disposed of. No costs.

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Index : Yes/No

Neutral Citation : Yes/No

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To

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N. ANAND VENKATESH, J.

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Western Region
Tamil Nadu Fire and Rescue Service Department
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