



W.P.(MD)No.1337 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2025**

CORAM:

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

W.P.(MD)No.1337 of 2025

K.Balachandran

... Petitioner

- Vs. -

1. The Assistant General Manager (L and B),
G.M., BSNL, Tallakulam, Madurai

2. The Commissioner,
Dindigul City Municipal Corporation,
Dindigul

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to remove the cell phone tower erected at the top of the petitioners house property situated in at D.No. H1, H2, 57, 80 Feet Road, R.M.Colony, Dindigul forthwith on the strength of the petitioners representation being sent in the form of legal notice dated 20.11.2024 as well as the reminder dated 10.12.2024.

For Petitioner	: Mr.R.Anand
For R1	: Mr.D.Shanmugharaja Sethupathi
For R2	: Mr.J.Lawrence
	Standing Counsel



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ORDER

This writ petition has been filed for a direction directing the first respondent to remove the cell phone tower erected at the top of the petitioner's house property situated in at D.No. H1, H2, 57, 80 Feet Road, R.M.Colony, Dindigul forthwith on the strength of the petitioner's representation being sent in the form of legal notice dated 20.11.2024 as well as the reminder dated 10.12.2024.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner owned a house situated at D.Nos. H1, H2, 57, 80 Feet Road, R.M.Colony, Dindigul. Meanwhile, the first respondent approached the petitioner to erect cell phone tower on the open terrace of the petitioner's house. The petitioner agreed over the same and entered into a lease agreement. As per the lease agreement, on completion of 15 years from the date of lease i.e 07.12.2009, the cell phone tower to be removed and vacant possession to be given to the petitioner. The period



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of lease completed on 06.12.2024 by expiring 15 years. Immediately, the petitioner approached the first respondent and made a request to remove the cell phone tower since it is found to be in the status of non-maintenance and it is a risk to the life of the petitioner and his family members. Admittedly, the lease period has been expired in December 2024.

4. The learned counsel appearing for the first respondent, on instructions, submitted that they are taking steps to renew the lease agreement with the petitioner. If the petitioner agrees for the terms and conditions for extension of lease period, the first respondent is directed to renew the same within a period of two weeks from the date of receipt of a copy of this order. If the petitioner and the first respondent have not agreed for the new terms and conditions for extension of lease period, the first respondent is directed to remove the cell phone tower and hand over the vacant possession of the open terrace of the petitioner's house within a period of eight weeks thereafter.



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

20.01.2025

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

CM

TO:-

1. The Assistant General Manager (L and B),
G.M., BSNL,
Tallakulam,
Madurai

2. The Commissioner,
Dindigul City Municipal Corporation,
Dindigul

Order made in
W.P.(MD)No.1337 of 2025

Dated:
20.01.2025