



W.P.(MD)No.5646 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU  
AND  
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.5646 of 2025  
and  
W.M.P.(MD)Nos.4121 and 4122 of 2025

K.Kumaresan

...Petitioner

-Vs-

- 1.The District Collector,  
Nagercoil, Kanyakumari District.
- 2.The Revenue Divisional Officer,  
Nagercoil,  
Kanyakumari District.
- 3.The Block Development Officer,  
Agastheeswaram Taluk,  
Nagercoil, Kanyakumari District.
- 4.The Revenue Tahsildar,  
Agastheeswaram Taluk,  
Nagercoil,  
Kanyakumari District.
- 5.The Village Administrative Officer,  
Nagercoil North Village,  
Kanyakumari District.



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

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the impugned order No.Ji3/E-2971301/2025 passed by the first respondent dated 13.02.2025 and quash the same as illegal and consequently restraining the 6<sup>th</sup> respondent from erecting tower in the building at S.No.P21/6, Nagercoil North Village, Eeshwarapuram, Agastheeswaram Circle, Nagercoil.

For Petitioner : Mr.B.Micheal Sebastin  
For R1 to R5 : Mr.P.Thilak Kumar  
Government Pleader

### **ORDER**

(Order of the Court was made by **J.NISHA BANU, J.**)

Heard the learned counsel for the petitioner, learned Government Pleader for the respondents 1 to 5. Considering the nature of the order proposed to be passed in this writ petition, notice to the sixth respondent is dispensed with.

2.By consent, this writ petition is taken up for final disposal at the stage of admission itself.



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**WEB COPY** 3.This writ petition is styled as public interest litigation. The contention of the petitioner is that the petition mentioned property belongs to Nayenar Thesika Vinayagar Devasthanam Vagai. Near the said property, Government School and Hospital are there. In that place, the sixth respondent is constructing a mobile tower posing significant risk to the health and safety of the students, patients and also residents in that locality. Narrating all these facts, the petitioner sent a representation dated 05.02.2025. The first respondent, on considering the grounds raised by the petitioner, had rejected the representation of the petitioner. Challenging the same, the petitioner has filed the present writ petition.

4.We have perused the order passed by the first respondent dated 13.02.2025, which is impugned in this writ petition. It shows that the fourth respondent, on receiving the online application from the fifth respondent, had obtained necessary permission from the owner of the property for erecting tower and submitted his recommendation to the first respondent for grant of necessary permission. Based on the recommendation made by the fourth respondent, the first respondent/District Collector has accorded permission to the sixth respondent to put up the tower in the petition mentioned property.



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5. Therefore, we are of the view that the writ petition is devoid of merits

and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**(J.N.B.,J.) (S.S.Y.,J.)**  
**04.03.2025**

Index : Yes/No

Internet : Yes/No

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**J. NISHA BANU,J.**  
and  
**S.SRIMATHY.J**

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