



W.P.(MD)No.5279 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.02.2025

CORAM:

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

W.P.(MD)No.5279 of 2025  
and  
W.M.P.(MD)Nos.3874 of 2025

1.E.Muthusamy  
2.Sri Ramachandran  
3.N.Sudalaimani

...Petitioners

-Vs-

- 1.Union of India,  
Rep.by its Secretary to Government,  
Department of Telecommunications,  
6<sup>th</sup> Floor, Sanchar Bhavan,  
No.20, Ashoka Road, New Delhi-1.
- 2.Telecom Regulatory Authority of India (TRAI),  
Rep.by its CPIO and Advisory to  
Government of India,  
Mahanager, Door Sanchar Bhavan,  
Jawaharlal Nehru Marg,  
(Old Mintor Road), New Delhi-2.
- 3.The State of Tamil Nadu,  
Rep.by is Secretary,  
Local Administration Department,  
Government of Tamil Nadu,  
Fort St.George, Chennai.



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4.The District Collector,  
Kanyakumari District,  
Nagercoil.

5.The Superintendent of Police,  
Office of the Superintendent of Police,  
Kanyakumari District,  
Nagercoil.

6.The Executive Officer,  
Kanyakumari Special Grade Town Panchayat,  
Kanyakumari.

7.The Assistant Engineer,  
Bharat Sanchar Nigam Limited (BSNL),  
Kanyakumari.

8.R.Thangaraja

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents 4 and 5 from putting up any cell phone tower, generators and from proceedings further with the erection/commencement of operation of cell phone tower in their premises in Survey No.532/16, Madhavapuram Village, Kanyakumari District.

|                 |                                                         |
|-----------------|---------------------------------------------------------|
| For Petitioner  | : Mr.A.Mohamed Haneef                                   |
| For R1 and R7   | : Mr.K.Govindrajan<br>Deputy Solicitor General of India |
| For R3, R4 & R6 | : Mr.P.Thilak Kumar<br>Government Pleader               |
| For R2          | : Mr.S.Jeyasingh                                        |
| For R5          | : Mr.A.Albert James<br>Government Advocate              |



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## **ORDER**

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

This writ petition has been filed to forbear the respondents 4 and 5 from putting up any cellphone tower or generators in Survey No.532/16.

2.The petitioner contends that the eighth respondent had constructed a lodge in the petition mentioned property. Since there was no adequate parking facility, there was huge difficulty while crossing the lodge. While so, the eighth respondent is taking steps to erect a cellphone tower in his lodge without following any procedures as contemplated under law, which will affect the traffic as well as the health of the residents of that locality. Further, the cell phone tower is proposed to be constructed in the third floor. Hence, there is a possibility of any damage to the building of nearby residents. In this regard, the petitioner sent a representation to the respondents. However, the same was not considered. Hence, this writ petition is filed.

3.It is stated by the learned Deputy Solicitor General of Indian appearing for the respondents 1 and 7 that the guidelines for erecting towers were framed under the Government Order in G.O.Ms.No.4, Information Technology (E1) Department, dated 25.01.2022 and the same will be followed.



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**WEB COPY** 4. Accordingly, this writ petition is **disposed of** with a direction to the eighth respondent as well as the official respondents herein to follow the guidelines issued under the Government in G.O.Ms.No.4, dated 25.01.2022 in erecting cell phone tower in the eighth respondent's building. No costs. Consequently, connected miscellaneous petitions are closed.

**(J.N.B.,J.) (S.S.Y.,J.)**  
**28.02.2025**

Index : Yes/No  
Internet : Yes/No  
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**J. NISHA BANU,J.**  
and  
**S.SRIMATHY.J**

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