



W.P(MD)No.8347 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.8347 of 2022

S.Seenivasan

... Petitioner

VS.

1. The District Collector,
Madurai District.

2. The Thasildhar,
Madurai West Taluk,
Madurai District.

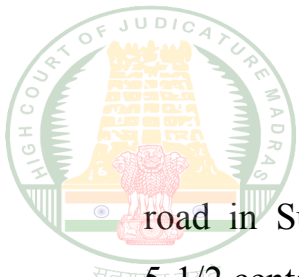
3. The Authorized Signatory,
Chennai Network Infrastructure Limited (CNIL),
No.232/186, City Centre 3rd Floor,
Purasavakkam High Road, Kilpauk,
Chennai - 600 010.

4. GTL Infrastructure Limited,
232/186, City Centre, 3rd Floor,
Purasavakkam High Road,
Kilpauk,
Chennai 600 010.

[R-4 is Suo motu impleaded vide court order dated 17.07.2025]

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondent to order the 3rd respondent to remove the Cell Tower and hand over petitioner's vacant site situated at Madurai South Taluk, Palanganatham, Madakulam Main



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road in Survey No.158/1A1 in Re-Survey No.158/1A1A1A with an extent of 5-1/2 cents to him in accordance with law within a time fixed by this Court.

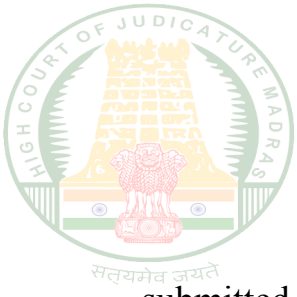
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For Petitioner : Mr.I.Saliyakhan
For R1 and R2 : Mr.M.Senthil Ayyanar
Government Advocate
For R3 and R4 : Mr.R.Parthiban

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to order the 3rd respondent to remove the Cell Tower and hand over petitioner's vacant site situated at Madurai South Taluk, Palanganatham, Madakulam Main road in Survey No.158/1A1 in Re-Survey No.158/1A1A1A with an extent of 5-1/2 cents to him in accordance with law within a time fixed by this Court.

2. It is an admitted fact that the petitioner had leased the property to Aircel Company Limited for the purpose of erecting a cell tower. Based on the lease agreement, the tower was erected. However, the lease period has expired, and the agreement was not renewed. Though the cell tower continues to exist in the property, the petitioner is not receiving any lease amount, nor is the tower being used for any active purpose. Hence, the petitioner has filed the present writ petition.



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3. The learned counsel appearing for the 3rd and 4th respondents submitted that Aircel Company was taken over by the 4th respondent. The 4th respondent is in the process of determining whether the company can be revived or liquidated, but no final decision has been taken. It is admitted that the lease period has ended, and the petitioner is not receiving any lease amount. The learned counsel further submitted that the appropriate remedy for the petitioner is to approach the competent Civil Court.

4. Considering the facts and circumstances of the case, this Court is of the considered opinion that the cell tower, which was erected on the petitioner's property, is liable to be removed. Therefore, the 3rd and 4th respondents are directed to remove the said cell tower. As far as the other reliefs under the lease agreement are concerned, the petitioner is at liberty to work out his remedies in accordance with the arbitration clause. The respondents are directed to remove the cell tower within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. With the above observations, this Writ Petition is partly allowed.

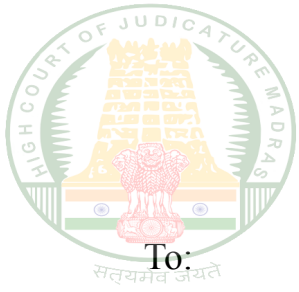
There shall be no order as to costs.

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24.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

KSA



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To:

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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.8347 of 2025**

DATED : 24.07.2025