

W.P(MD).No.16302 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.16302 of 2025

and

W.M.P(MD)No.12377 of 2025

1.K.Jayalakshmi

2. V.Renuka

... Petitioners

-vs-

1. The District Collector,
Tiruchirapalli,
Tiruchirapalli District.

2. The Thasildar,
Thuraiyur Taluk,
Tiruchirapalli District.

3. M/s Indus Towers Limited,
Rep by its Manager,
Having Head office at,
Building No:10, Tower A,
4th Floor, DLF Cyber City,
Gurgram-122 002,

having branch office at,
ESPCE IT Park, No:5, 5th Floor,
Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai 32.

4. Anusiya Devi

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 1st and 2nd respondent to forthwith stop the unapproved construction of Mobile Tower work carrying by the 3rd respondent in S.No.355/2 situated at Ward No.10, Thuraiyur Town and Taluk, Tiruchirappali District, until the grievance of the petitioners redressed by the District Level Telecom Committee (DTC) as per the advisory guidelines issued by the Department of Telecommunication to State Government for issue of clearance for installation of mobile tower by considering petitioners representation dated 02.05.2025.

For Petitioner : Mr.J.Senthil Kumaraiah

For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader

For R3 : Mr.M.Ponniah

ORDER

The present writ petition is filed for a mandamus directing the respondents 1 and 2 to stop the unauthorized, unapproved construction of mobile tower work.

2. The petitioners herein and the 4th respondent are sisters. The 4th respondent is putting up a construction of mobile tower in subject land. However, the portion of the petitioners land has also been utilized to construct the mobile tower. Hence, the present writ petition is filed to stop the construction of mobile tower.



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3. The contention of the petitioners is that without proper approval from the respondents, the said tower has been erected. However, it is seen that the petitioners have submitted an application on 24.04.2025. Within 60 days the respondents ought to grant approval, if the same is not granted, the same would come under deemed approval. In the present case, deemed approval has been granted.

4. The petitioners contention is that before the said deemed approval, the (*)^{3rd} respondent has put up a construction. Therefore, the same has to be demolished. However, due to efflux of time, deemed approval has come into effect and therefore, the petitioners contention is rejected.

5. The learned counsel appearing for the petitioners would submit that the Lease Agreement was entered only on 14.05.2025. However, the 4th respondent refuted the said allegation and submitted that the lease agreement was entered into on 21.04.2025 itself.

6. There is a factual dispute. Further, the petitioners said contention cannot be entertained since it is a contract between the land holder and the 4th respondent. The



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same was not raised as one of the grounds to reject to grant any approval, that too by the petitioner who is 3rd party to the contract. Therefore, the petitioners cannot interfere in such issues which is purely between the 4th respondent and the land owner. Hence, the same is rejected.

7. The next contention of the petitioner is that the 4th respondent has encroached the portion of the petitioners property. This has to be resolved after surveying.

8. Though the learned Special Government Pleader appearing for the respondents 1 and 2 would submit that survey was conducted, it was conducted before issuing notice to the petitioners. Therefore, the 2nd respondent is directed to issue notice to the petitioners as well as the 4th respondent and conduct a survey. In case if a portion of the subject land is occupied by the 4th respondent, the same shall be resolved as per the law. It is made clear that interim injunction already granted by this Court is extended till the survey of the subject property. Once survey is completed the interim injunction shall be automatically vacated. (*) **It is made clear that the interim injunction granted only against the petitioners and the 4th respondent, since the tower is functioning.**



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9. With these directions, the writ petition stands disposed of. No costs.

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Consequently, connected miscellaneous petition is closed.

Sd/-

16.07.2025

(*)Amended as per order of this Court dated 25/07/2025 made in WP(MD)No. 16302 of 2025

Sd/-

Assistant Registrar (C.O)

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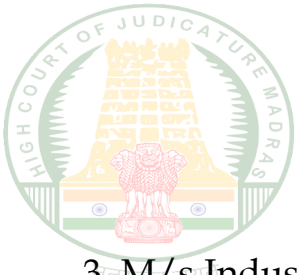
Sub Assistant Registrar
(CS - I / II / III / IV)

Rgm/ksa

To

1. The District Collector,
Tiruchirapalli,
Tiruchirapalli District.

2. The Thasildar,
Thuraiyur Taluk,
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3. M/s Indus Towers Limited,
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Chennai 32.

+1 CC to M/s.M.PONNIAH, Advocate (SR-43790[F] dated 17/07/2025)

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-43983[F] dated 17/07/2025)

+1 CC to M/s.SPL.GP (SR-44533[F] dated 18/07/2025)

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and

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SB/05.08.2025 6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023