



WEB COPY

WP No. 25210 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 25210 of 2022

and

WMP.No.24156 of 2022

ATC Telecom Infrastructure Pvt. Ltd.,
Rep. by Power of Attorney Holder, N.Senathipathi,
Circle Legal head, Celestial Point,
No.45, Damodharan Street, T.Nagar,
Chennai- 600 017.

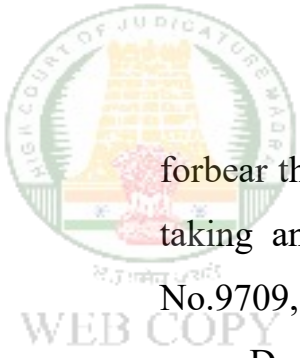
..Petitioner(s)

Vs

1. The District Collector,
Collectorate Office,
Kanchipuram District, Tamil Nadu.
2. Aadhanur Panchayat,
Rep. by its President No.1, M.G.R. Nagar VII,
Adhanur Main Road,
Kundrathur Panchayat Union,
Kancheepuram District- 603 202.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for the records pertaining to the notices dated 29.07.2022 and 13.08.2022 on the file of the 2nd Respondent herein and quash the same as without jurisdiction and consequently



forbear the 2nd Respondent, their men, agent or anyone acting under them, from taking any action against the petitioner's tower located at Plot No.2, Patta No.9709, S.No. 373 / 2D3B and 373 / 5A2, Bharathi Nagar, Adhanoor Village, near Durai Agency Kannadhasam Main Road, Adhanur, Madambakkam, Kancheepuram, Tamil Nadu- 603202 unilaterally and without written orders of the 1st Respondent herein as per law.

For Petitioner(s): Mr.J.Ravikumar

For Respondent(s): Mrs.S.Anitha
Special Government Pleader for R1 & R2

ORDER

This Writ Petition has been filed challenging the orders passed by the 2nd respondent dated 29.07.2022 & 13.08.2022 directing the petitioner to remove the Cell Phone Tower.

2.The learned counsel appearing for the petitioner would submit that while the petitioner has installed Cell phone tower in his land, the 2nd respondent issued notices directing the petitioner not to put up any Cell Phone tower on the basis that it is in violation and without getting approval of the District Collector. The learned counsel for the petitioner would submit that the petitioner has initially made an application on 06.06.2022 before the 1st respondent and obtained deemed permission in terms of G.O.Ms.No.4 dated 25.01.2022. He would submit that in terms of G.O.Ms.No.4, the respondents



supposed to have processed the application within a period of 60 days time i.e., on or before 05.08.2022. In the present case, since no order has been passed therefore, in terms of G.O.Ms.No.4 of 2022, the petitioner obtained deemed approval. He would further submit that upon deemed approval, the petitioner proceeded to put up the cell phone tower but, without taking into consideration the deemed approval granted, the impugned notices issued by the 2nd respondent are contrary to the G.O.Ms.No.4 of 2022 and hence, the same is liable to be quashed.

3. Per contra, the learned Special Government Pleader appearing for the 2nd respondent would submit that since no approval was obtained, the 2nd respondent issued the impugned notices. She would also submit that in the event any application was filed by the petitioner as contended, the respondent has not granted any approval within 60 days time, the 1st respondent can grant deemed approval in terms of G.O.Ms.No.4.

4. The relevant portion of G.O.Ms.No.4 dated 25.01.2022 is extracted hereunder:

“Application Process and Deemed Clearance:

The District Nodal Officer shall, within a period not exceeding 60 calendar days from the date of application, grant permission (or) reject the application for specific reasons/deficiencies to be recorded in writing.



No application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons/deficiencies for such rejection.

RoW permission shall be deemed to have been granted if the District Nodal Officer fails to grant permission or reject the application within 60 calendar days of the date of application.”

5. A perusal of the above, it is made clear that if any application is filed by any of the persons for the purpose of setting up cell phone tower, the concerned respondent is supposed to have passed orders either granting approval or rejecting the application for approval within a period of 60 days. In the present case, the petitioner filed an application before the 1st respondent for approval along with Form-2 on 06.03.2022 and till 02.08.2022, no approval was granted therefore, the approval was deemed to be granted with effect from 03.08.2022 for setting up the cell phone tower in terms of G.O.Ms.No.4 dated 25.01.2022. It is also evident that the commencement of cell phone tower is only with effect from 08.02.2022. Hence, the question of without producing the approval for setting up cell phone tower will not arise. It is clear that the petitioner has put up the cell phone tower upon deemed approval.

6. In such view of the matter, the impugned notices issued by the 2nd respondent without application of mind is liable to be quashed. Accordingly, this Writ Petition is allowed, the impugned notices issued by the 2nd respondent



dated 29.07.2022 & 13.08.2022 are quashed. The 2nd respondent is directed not to interfere with the petitioner from installation of the cell phone tower. No costs. Consequently, connected miscellaneous petition is closed.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KKN

To

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2. The President,
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KRISHNAN RAMASAMY, J.

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