

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.13625 of 2015 and M.P. Nos.1 to 4 of 2015

Bharti Airtel Limited
101, Santhome High Road
Chennai 600 028
represented by its Power of Attorney
A. Aruna

Petitioner

Vs.

The Corporation of Chennai
represented by the Executive
Engineer (RJC South)
O/o Regional Joint Commissioner (South)
(Enforcement Cell)
Adyar, Chennai - 600 020

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records comprised in the notice dated 17.03.2015 bearing no.10432 that was pasted at the petitioner's premises at no.103, Muthulakshmi Salai, Adyar, Chennai 600 020 passed by the respondent and quash the same and consequently, forbearing the respondent from in any manner interfering with the petitioner's right to carry on its legitimate business activity of providing telecommunication services

For petitioner Mr. Satish Parasaran
For respondent Ms. Karthikaa Ashok
Standing Counsel

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the matter is taken up for final disposal.

2 Assailing the legality and validity of the de-occupation notice dated 17.03.2015, the petitioner is before us.

3 The learned counsel for the petitioner would submit that the prior notice dated 07.08.2013 calling upon the petitioner to produce the approved plan and also the locking, sealing and demolition notice dated 07.11.2013, which are referred to in the notice impugned, were not served on the petitioner, as the said notice indicates the occupant/owner without serving the concerned person. Pursuant to the notice impugned dated 17.03.2015 which was pasted on the petitioner's premises, the petitioner has made a detailed representation on 23.04.2015 enclosing all the relevant documents as required by the authorities. Thus, the authorities may be directed to consider the said representation and to issue a fresh order on merits and as per law.

4 Ms. Karthikaa Ashok, learned Standing Counsel for the respondent Corporation fairly submits that the petitioner's representation shall be examined afresh along with the documents enclosed and consequential orders on merits and as per law shall be passed within a reasonable time, of course, after granting to the petitioner, an opportunity of being heard.

5 In view of the above submission made by the learned Standing Counsel, we direct the respondent to consider the petitioner's representation on merits and in accordance with law, adverting to each and every averment therein and pass appropriate orders within a period of three weeks. Needless to state that while doing so, the petitioner shall be given an opportunity of being heard.

6 The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

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To

The Executive Engineer (RJC South)
The Corporation of Chennai
O/o Regional Joint Commissioner (South)
(Enforcement Cell)
Adyar, Chennai - 600 020

+lcc to Mr.Karthikaa Ashok, Advocate, S.R.No.30640
+lcc to Mr.*, Advocate, S.R.No.
+lcc to the Government Pleader, S.R.No.

LRS (CO)
EU(02/07/2015)

W.P. No.13625 of 2015



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