

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.Nos.25746 & 25747 of 2015

and

M.P.No.1 of 2015

M/s.Reliance Jio Inforcomm Limited,
having Circle Office at A1 Tower,
8th Floor, 89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
Represented by its Authorised
Signatory / Legal Manager
Mr.D.Kalaimani

... Petitioner in both WPs

Vs.

The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Anna Nagar,
Chennai.

... Respondent in both WPs

Prayer in WP No.25746/2015 :- Writ petitions filed under Article 226 of the constitution of India praying for a writ of certiorarified mandamus calling for the records on the file of respondent made in Lr.No.AE/O&M/A.Ngr/F/Consumer complaint.D/14/DT 10.1.2014 and quash the same and consequently direct the respondent to provide electricity supply to the petitioner.

Prayer in WP No.25747/2015 :- Writ petitions filed under Article 226 of the constitution of India praying for a writ of mandamus directing the respondent to provide electricity supply to the petitioner at Old Door No.54 and 55, New No.90 and 91, Bazar Street, Annai Sivagami Nagar, Ennore, Chennai.

For Petitioner : Mr.K.Govindarajan
in both WPs

For Respondents : Mr.P.R.Dhilip Kumar
in both WPs for TNEB

C O M M O N O R D E R

The petitioner contends that they had entered into a lease agreement to erect the ground based mobile phone tower in the leasehold properties through proper lease deeds for erection of Cell phone tower. The Government has exempted the mobile phone tower service providers from getting permission from all Corporations, Municipalities and Panchayats. After getting consent from the owners of the premises, the petitioner had installed the mobile tower. For the operation of the mobile tower, the petitioner made proper application to the respondent for supply of energy. However, the respondent rejected the request of the petitioner vide order dated 10.01.2014 for supply of energy on the ground that the petitioner has to get approval from the competent authority stating that the radiation parameters in the proposed tower is within the limit and it would not affect the public health. Challenging the said order passed by the respondent, the petitioner has come before this Court.

2. The petitioner erected towers in the properties belonging to the landlord with whom the petitioner had entered into lease agreement. After erection of towers, the petitioner approached the respondent for electrification. Based on the objection raised by the Korattur North Residents Welfare Association, the impugned order has been passed.

3. Heard Mr.K.Govindarajan, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel appearing for the respondent.

4. In similar circumstances, the First Bench of this Court, on 05.03.2015 in W.P.No.24976 of 2008 etc. batch cases, directed the respondents to provide electricity connection, if all the parameters are fulfilled. Following the said judgment, this Court also directs the respondent to provide electricity service connection to the petitioner, if all the parameters are fulfilled.

5. The writ petitions are disposed of with above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rgr

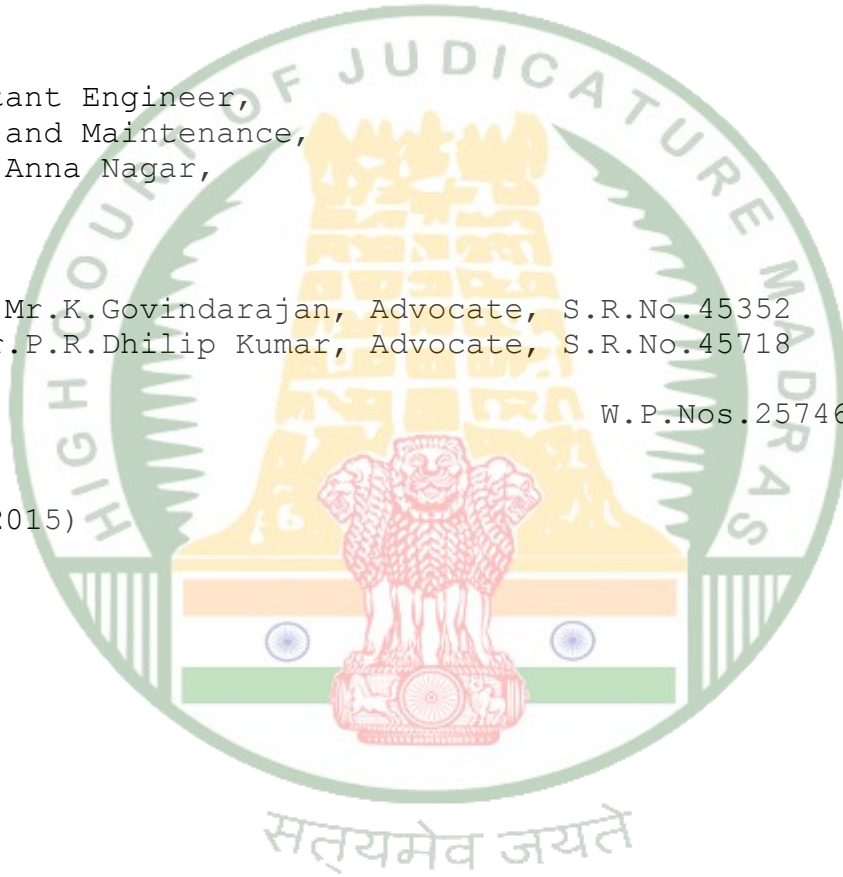
To

The Assistant Engineer,
Operation and Maintenance,
TANGEDCO, Anna Nagar,
Chennai.

+2cc's to Mr.K.Govindarajan, Advocate, S.R.No.45352
+1cc to Mr.P.R.Dhilip Kumar, Advocate, S.R.No.45718

W.P.Nos.25746 & 25747 of 2015

JSV(CO)
CA(31/08/2015)



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