

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.36133 of 2015 & MP.No.1 of 2015

ATC Telecom Tower Corporation Pvt. Ltd.

Rep. by its

Head Operations - Tamil Nadu Circle,

No.443/304 Guna Complex,

Annexure-1, 3rd Floor, Anna Salai,

Teynampet, Chennai-18

.. Petitioner

Vs.

The Assistant Engineer,

O & M Nolambur,

TANGEDCO/CEDC/WEST, Nolambur,

Mogappair West, Chennai-37.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, to call for the records pertaining to the order Ka.en:vu.mi.po./e&pa/Nolambur/ko.pu.mi.e/a.en341/15-16 dt. 18.09.2015 passed by the respondent and quash the same as illegal unreasonable and unconstitutional and direct the respondent to grant new electricity service connection as per clause 27(4) of the Tamil Nadu Electricity Distribution Code 2004 and in view of the Advise slip dated 06.07.2015 to the petitioner site at Plot No.R-13 measuring 400 sq.ft. in the roof top in SF No.67 3rd Main Road, Nolambur Village, TNHB, Nolambur Phase-II, Bharathi Salai , Mogappair West, Chennai-600 037.

For Petitioner : Mr.J.Ravikumar

For Respondents : Mr.P.R.Dhilipkumar

ORDER

Heard Mr.J.Ravikumar, learned counsel appearing for the petitioner and Mr.P.R.Dhilip Kumar, learned Standing Counsel

accepting notice on behalf of the respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2 The petitioner seeks for quashment of the order of the respondent dated 18.09.2015 and for a further direction to the respondent to grant electricity service connection to the petitioner's property.

3 The petitioner is a Telecom company and they are aggrieved by the proceedings issued by the respondent/Board stating that there is an objection for the erection of the Telecom tower in the area and also on the ground that the building where the tower is proposed to be erected on the 3rd floor the construction is unauthorised.

4 Learned counsel for the petitioner, on verification of the approved plan, submits that there appears to be deviation of the approved plan and therefore, the petitioner would examine all the aspects and then approach the respondent/Board.

5 Learned Standing counsel appearing for the respondent/Board submitted that Mugappair West Garden Residents Association has submitted Objection letters dated 10.07.2015 and 20.07.2015 to the respondent/Board and the copy of the said letters is also produced before this Court.

6 In the light of the above, the writ petition is disposed of by directing the petitioner to examine the entire issue and remedy the breach which has been pointed out and thereafter, approach the respondent along with a representation and a copy of this order and if such representation is made, the respondent/Board shall issue notice to the petitioner as well as to the Mugappair West Garden Residents Association, hear the parties and pass orders on merits and in accordance with law, assigning reasons. No costs. Consequently, the connected miscellaneous petition is closed.

sd/

ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP

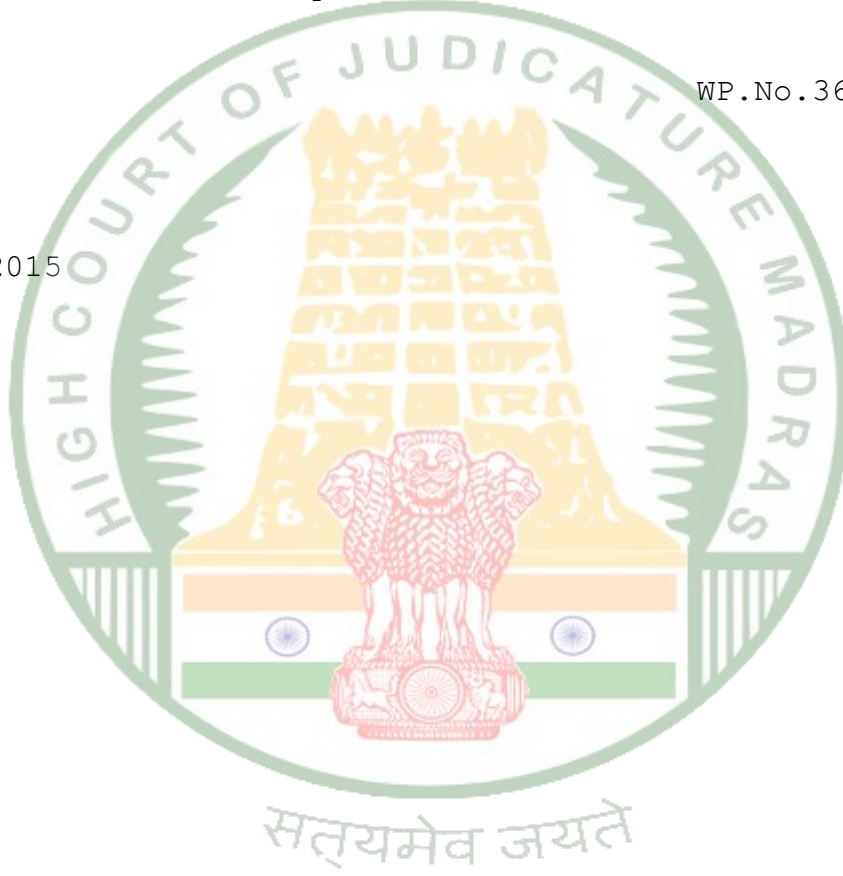
To

The Assistant Engineer,
O & M Nolambur,
TANGEDCO/CEDC/WEST, Nolambur,
Mogappair West, Chennai-37.

+1 CC to MR.J.Ravikumar Advocate. SR.NO. 61597
+1 CC to MR.P.R.Dhilipkumar Advocate. SR.NO. 61343

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JD 23/11/2015



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