

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

C.R.P.Nos.4805, 4810 and 4811 of 2015

COMMON ORDER:

Sri M. Sreerama Murthy, learned counsel, has entered appearance on behalf of the respondent-plaintiffs in C.R.P.No.4811 of 2015. Learned counsel would submit that he has been instructed to appear on behalf of the respondent-plaintiffs in the other two Civil Revision Petitions also. As such, all the three Civil Revision Petitions are being disposed of, after hearing Sri S. Ravi, learned Senior Counsel appearing for the petitioners and Sri M. Sreerama Murthy, learned counsel for the respondents.

The respondents-plaintiffs filed suits seeking permanent injunction restraining, among others, the petitioners herein from erecting telecommunication towers in the scheduled property. While issuing notice to respondents 1 to 3, the Court below directed the parties to maintain status quo. The officers of the company, which has erected the telecommunication towers, and who are respondents 1 and 2 in the I.A, entered appearance and filed their counter-affidavits.

Sri S. Ravi, learned Senior Counsel appearing on behalf of the petitioners, would contend that the Court below is not taking up the Interlocutory Applications for hearing only on the ground that notices have not been served on the third respondent i.e., the Chairman/ Managing Director of the company. Sri M. Sreerama Rao, learned counsel for the respondent-plaintiffs, would contend that, as notices have not been served on the third respondent, the Interlocutory Applications cannot be taken up for hearing.

I must express my inability to agree. The mere fact that notices have not been served on the Chairman/Managing Director of the company, does not mean that the Interlocutory Applications should not be decided, when a counter affidavit has been filed by the officers of the company which has installed the telecommunication towers, and who are respondents 1 and 2 in the I.A. Absence of proof of service of notice on the third respondent can, at best, result in the order of status quo being continued against him personally, and not against the company, or its officers, who have entered appearance, and have filed counter affidavits. The Court below shall decide the Interlocutory Applications with utmost expedition and, in any event, on or

before 31.12.2015.

The Civil Revision Petitions are, accordingly, disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, J)

Date: 04.12.2015

Note: Issue CC by tomorrow

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