

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.1802/2016

Indus Towers Limited
rep. by its Authorised Signatory V.Ramya
No.5, ESPEE IT Park, Fifth Floor
Jawaharlal Nehru Road, Ekkatuthangal
Chennai 600 097.

.. Petitioner

Vs.

1.The Chairman
Tamilnadu Generation & Distribution
Corporation Ltd. A Public Sector
Undertaking & established under the provisions
of the Companies Act, 1956 having its office
at 822, Anna Salai, Chennai 600 002.

2.The Superintendent Engineer
No.5A Block 144, Anna Salai, Chennai 600 002.

3.The AEE, TANGEDCO,
No.4/1, I Main Road, MMDA Colony
Maduravoyal North, Chennai 600 0095.

4.The Assistant Engineer
Tamil Nadu Electricity Board
No.4/1, I Main Road, MMDA Colony
Maduravoyal North, Chennai 600 0095.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to provide electricity connection to its mobile phone tower at Plot No.54/2, Sokaanathar Nagar, 2nd Street [Karthikeyan Nagar], Maduravoyal, Chennai-95 on the basis of its application dated 21.08.2015.

For Petitioner ... M/s.BFS Legal
For Respondents .. Mr.P.R.Dhilipkumar, Standing counsel

ORDER

Heard the learned counsel for the petitioner and Mr.P.R.Dhilipkumar, learned Standing Counsel accepting notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is a company registered under the Indian Companies Act engaged in the business of Telecommunication. The petitioner is said to have erected a cellphone tower on Sokanathar Nagar 2nd Street (Karthikeyan Nagar), Maduravoyal, Chennai. According to the petitioner, he has obtained all necessary permissions and clearances even prior to erecting the tower. In the affidavit filed in support of the writ petition, it is stated that one Mrs.Mallika had filed a suit with the sole intention of harassing the petitioner and the suit is pending before the Principal District Munsif, Poonmallee. However, there is no interim order granted in the suit. Though such an averment is in the affidavit filed in support of the petition, Mallika has not been impleaded as a respondent.

3.Mr.P.R.Dhilipkumar, learned Standing Counsel for the respondent submitted that in the property on which the cellphone tower has been erected, the 3rd party has filed an objection. If that be the case, the objection has to be considered and decision has to be taken by the authority and there should not be a stalemate in the matter.

4.Therefore, there will be a direction to the 3rd respondent to consider the objection given by the 3rd party, after notice to the 3rd party as well as to the petitioner and after hearing the parties in person, the 3rd respondent shall take a decision in accordance with law as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

Sgl

To

1.The Chairman
Tamilnadu Generation & Distribution
Corporation Ltd. A Public Sector
Undertaking & established under the provisions
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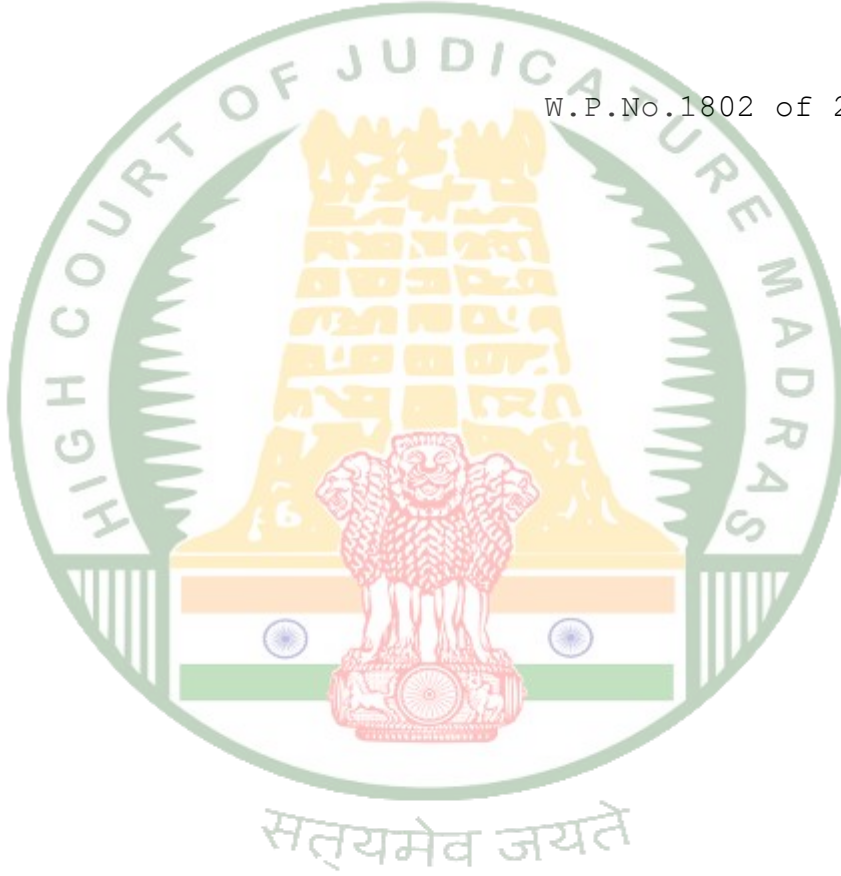
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Tamil Nadu Electricity Board
No.4/1, I Main Road, MMDA Colony
Maduravoyal North, Chennai 600 0095.

+1 CC to Mr.P.R.Dhilipkumar, Advocate Sr.3150
+1 CC to M/S.BFS legal Advocates Sr.No.3150

CO-RSY
ths : 28.01.2016

W.P.No.1802 of 2016



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