

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.35068 of 2013

and

M.P.No.1 of 2013

M.Ayyavoo

.. Petitioner

-vs-

- 1.The Licensor,
Telecom Regulatory Authority of India,
Mahanagar Door
Sanchar Bhavan,
Next to Zakir Hussain College,
Jawaharlal Nagar Marg,
New Delhi-110 002.
- 2.The Secretary to Government of Tamil Nadu,
Department of Information and Technology,
Fort St. George,
Chennai-600 009.
- 3.The District Collector,
O/o The District Collector,
Singaravelar Maaligai,
Rajaji Salai, Chennai-600 001.
- 4.The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.
- 5.The Member Secretary,
CMDA, Egmore,
Chennai-600 008.
- 6.The Director of Town & Country Planning,
Anna Salai,
Chennai-600 002.

7.The Commissioner of Police,
O/o The Commissioner of Police,
Vepery, Chennai-600 007.

8.The Divisional Engineer,
Corporation of Chennai,
Zone VII,
Dr. Muthulakshmi Salai,
Adyar, Chennai-600 020.

9.R.Kumar

10.M/s.Reliance Communications,
rep. by the Authorised Officer,
No.6, Haddows Road,
Nungambakkam,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 2, 3, 4, 5, 6 and 8th herein forbearing the 10th respondent herein, from installing B.T.S. Towers in the residence of the 9th respondent herein situated at No.61, 15th Cross Street, Indira Nagar, Adyar, Chennai-600 020.

For Petitioner : Mr.M.Venkadeshan
(No Appearance)

For Respondents : Mr.M.Devendran for R1
Mr.STS.Murthi
Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R2, 3 & 7
Mr.K.Soundararajan for R4 & 8
Mr.A.Shaik Pareeth for R5
Mr.R.Abdul Mubeen for R10

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner is aggrieved by the installation of B.T.S. Tower by respondent No.10/Reliance Communications over the second floor of the premises of respondent No.9.

2. There are two fold grievance made. The first grievance is the alleged health hazards. This grievance does not survive, in view of our order in W.P.No.24976 of 2008, decided on 05.03.2015. The second grievance is that respondent No.9 has made an unauthorised construction, on which the tower is installed and thus, it may not have to take the load.

3. We direct respondent No.4/Commissioner of Corporation to get the premises inspected of both the petitioner and respondent No.9 to find out whether there is any unauthorised construction or not and to take action in accordance with law. If unauthorised construction is found, naturally the consequences would thus flow qua respondent No.10 also dependant upon the result of this inspection and the enquiry after notice to all concerned, a decision be taken within a maximum period of three months of the receipt of this order.

4. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2013 is closed.

bbr

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary to Government of Tamil Nadu,
Department of Information and Technology,
Fort St. George,
Chennai-600 009.
- 2.The District Collector,
O/o The District Collector,
Singaravelar Maaligai,
Rajaji Salai, Chennai-600 001.
- 3.The Commissioner,
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Sanchar Bhavan,
Next to Zakir Hussain College,
Jawaharlal Nagar Marg,
New Delhi-110 002.

+ 1 cc to Mr.M.Venkatachalam, Advocate SR 41628

+ 1 cc to Mr.M.Devendran, Advocate SR 41629

+ 1 cc to Mr.R.Abdul Mubeen, Advocate SR 41875

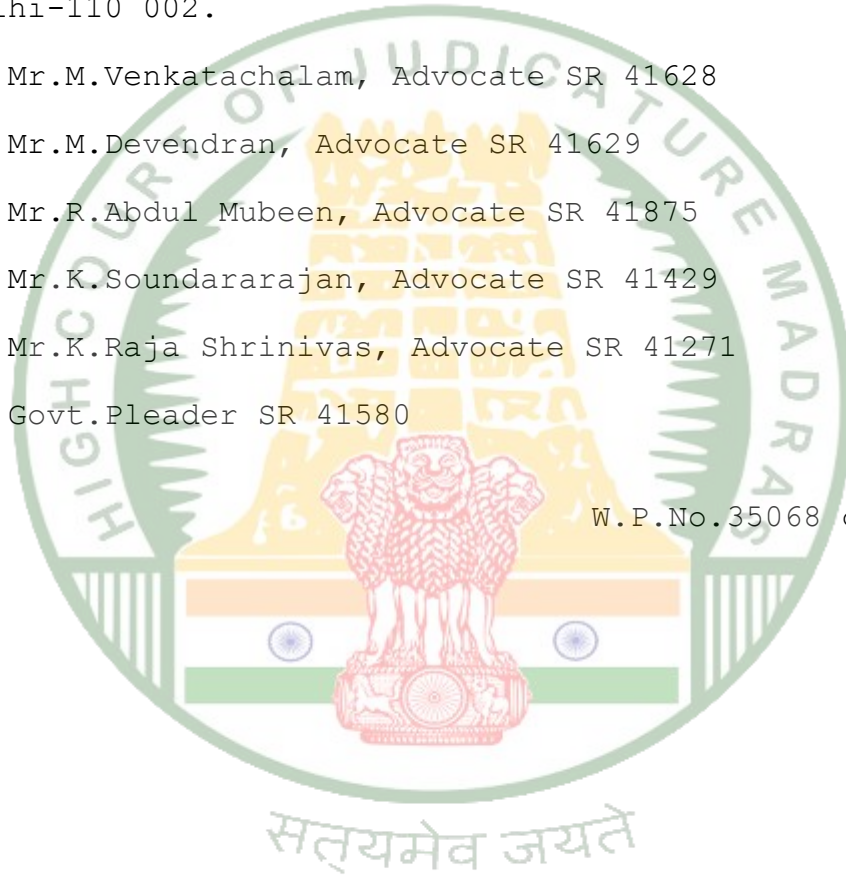
+ 1 cc to Mr.K.Soundararajan, Advocate SR 41429

+ 1 cc to Mr.K.Raja Shrinivas, Advocate SR 41271

+ 1 cc to Govt.Pleader SR 41580

rsy(co)
prk3/8

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