

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Special Original Jurisdiction )

Friday, the Sixth day of January Two Thousand Seventeen

PRESENT

THE HON'BLE MR.SANJAY KISHAN KAUL, THE CHIEF JUSTICE

and

THE HON`BLE MR JUSTICE M.SUNDAR

WMP.No.521 of 2017

in WP.No.33821 of 2014

THE ASST. GENERAL MANAGER [ PETITIONER ]  
(RULING), BHARAT SANCHAR NIGAM LIMITED  
CHENNAI TELEPHONES,  
NO.7, KUSHKUMAR ROAD, CHENNAI-600 034.

Vs

1 S.RAGU, [ RESPONDENT ]

2 THE COMMISSIONER OF POLICE  
CHENNAI CITY, VEPERY, CHENNAI-3.

3 COMMISSIONER  
CORPORATION OF CHENNAI, RIPPON BUILDINGS,  
CHENNAI-3.

4 THE DIRECTOR OF FIRE AND  
RESCUE SERVICE, GOVERNMENT OF TAMILNADU,  
NO.1, GREAMS ROAD, THOUSAND LIGHTS,  
CHENNAI-6.

5 HOTEL SANGEETHA ENTERPRISES  
(P) LTD., 109, ARMENIAN STREET, CHENNAI-1.

6 HOTEL SARAVANA BHAVAN  
UMBERSAN STREET, CHENNAI-1.

7 HOTEL SARAVANA BHAVAN  
OPP. TO THOUSAND LIGHTS MOSQUE, PETERS ROAD,  
ROYAPETTA, CHENNAI-14.

8 HOT CHIPS RESTAURANTS PVT.  
LTD., 225, NSC BOSE ROAD, CHENNAOI-1.

9 HOTEL SARAVANA BHAVAN  
OPP. TO ANNA STATUE, MOUNT ROAD, CHENNAI-2.

10 HOTEL SARAVANA BHAVAN  
77, USMAN ROAD, T.NAGAR, CHENNA-17.

11 HOTEL BUHARI  
OPP TO TARAPUR TOWERS, 107, ANNA SALAI,  
CHENNAI-2.

12 SANGAM RESTAURANTS  
OPP. TO TARAPUR TOWERS, MOUNT ROAD, CHENNAI-  
2.

13 HOTEL PARAMBRYIN VEETU  
SAPPADU, THAMBU CHETTY STREET CORNER, NSC  
BOSE ROAD, OPP. MADRAS HIGH COURT, CHENNAI-1.

14 THALAPAKATTI BIRIYANI  
NSC BOSE ROAD, OPP. MADRAS HIGH COURT,  
CHENNAI-1.

15 A1 REEF RESTAURANT  
NO.2, IYAPPA CHETTY STREET, MANNADY, CHENNAI-  
1.

16 WOODLANDS HOTEL  
SECOND LANE BEACH, CHENNAI-1.

17 HOTEL VASANTHA BHAVAN  
OPP TO EGMORE RAILWAY STATION, 43, GANDHI  
IRWIN ROAD, EGMORE, CHENNAI-8.

18 SHRI DEVI PARK HOTEL  
1, HANUMANTHA ROAD, NORTH USMAN ROAD, T.  
NAGAR, CHENNAI-17.

19 ADYAR ANANDA BHAVAN  
OPP TO KURALAGAM, NSC BOSE ROAD, CHENNAI-1.

20 KALYANA BIRIYANI  
NO.1, POST OFFICE STREET, BEHIND GPO, CHENNAI-1.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Implead as Petitioner / Respondent in WP No.33821 of 2014(in WMP.No.521/2017) pending disposal of the above WP.No.33821/2014.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.PARAMESHWARI, Advocate for the petitioner and of M/S.A.SIRAJUDEEN, Senior Counsel for M/S.R.RAJAMANI Advocate for the 1<sup>st</sup> respondent and of M/S.C.MANISHANKAR AAG Assisted by M/S.K.SOUNDARARAJAN, Advocate for the Respondents 2 & 3 and of M/S.C.MANISHANKAR AAG Assisted by M/S.M.K.SUBRAMANI, Government Pleader for 4<sup>th</sup> respondent the court made the following order:-

The Bharat Sanchar Nigam Limited (BSNL) has sought impleadment in the present writ proceedings with the limited object of protecting their rights in as much as the platform adjacent to Flower Bazaar BSNL Telephone Exchange upto Post Office compound at NSC Bose road ought not to be allotted for hawking purpose in view of the difficulties expressed, which are extracted as under:

``I submit that the Department of Telecommunications sanctioned approval for construction of Ground + 8 storied administrative building in 1992 at NSC Bose Road, Chennai. Department of Telecommunications/BSNL obtained approval from competent authorities such as Corporation of Chennai, clearance from Aviation Department, Fire and Rescue Services, Tamilnadu etc. The proposed building is adjacent to the existing Flower Bazaar Telephone exchange within the complex. Further BSNL's Corporate Office recently decided for construction of ground + 2 floors at present. As per the plan new entry is planned near the hutments in NSC Bose Road which will be for ingress and egress not only for staff and public who approach BSNL. Not only that all that primary cable connections from the exchange run through cable duct adjacent to the compound wall i.e. platform stretching in front of BSNL Telephone exchange in NSC Bose Road upto hutments and further. The above cable ducts lie about more than 5 ft below the ground. Ground has to be dug below 5 ft to check the primary cables in the cable ducts for maintenance purpose. The above cable duct starts from the entrance to the telephone exchange and runs adjacent to the compound wall. The primary cable connections are meant for Secretariat, High Court, Rajiv Gandhi General Hospital, Central Station of Southern Railways, Chennai Port Trust apart from various banks business people professionals and general public. BSNL needs the platform to be kept vacant running near the compound wall for upkeep, to maintenance of primary cables. In order to give continued and constant communication services to the above mentioned authorities in and around Hon`ble High Court Madras the platform adjacent to the compound wall of Flower Bazar BSNL telephone exchange NSC Bose Road has to be kept vacant.``

2. In view of what is stated aforesaid, we are of the view that the said platform should not be allotted for hawking purpose and thus, there is no further need to implead the BSNL as a party in the writ proceedings.

3. Miscellaneous Petition is, accordingly, disposed of.

-sd/-

06/01/2017

/ TRUE COPY /

Sub Assistant Registrar ( Statistics / C.S. )  
High Court, Madras - 600 104.

TO

1 THE COMMISSIONER OF POLICE  
CHENNAI CITY, VEPERY, CHENNAI-3.

2 THE COMMISSIONER  
CORPORATION OF CHENNAI, RIPPON BUILDINGS,  
CHENNAI-3.

3 THE DIRECTOR OF FIRE AND  
RESCUE SERVICE, GOVERNMENT OF TAMILNADU NO.1,  
GREAMS ROAD, THOUSAND LIGHTS, CHENNAI-6.

C.C. to M/S.K.PARAMESHWARI Advocate on payment of necessary charges

C.C. to M/S.R.RAJAMANI, Advocate, on payment of necessary charges.

C.C. to M/S.K.SOUNDARARAJAN, Advocate, on payment of necessary  
charges.

C.C. to M/S.M.K.SUBRAMANI, Advocate, on payment of necessary  
charges.

C.C. to The Government Pleader, High Court, Chennai-104.

Order

in  
WMP.521/2017

in  
WP.33821/2014

Date :06/01/2017

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KP(02.02.2017)