

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2017

CORAM:
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.8135 of 2006

M/s.Bharti Televentures Limited,
"Bharti Towers",
101, Santhome High Road,
Chennai 600 028,
represented by its Manager - Legal,
C.C.Ramkumar,
Branch Office at 96A, Durairaj Towers,
Race Course Road, Opp. K.C. Complex,
Coimbatore - 641 018. ... Petitioner

vs.

The Commissioner,
Erode Municipality,
Erode. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, calling for the records connected with the order dated 25.01.2006 bearing N.K.No.A2/1994/1999 passed by the respondent and quash the same.

For Petitioner : Mr.H.Karthik Seshadri
for M/s.Iyer & Thomas

For Respondent : Mr.Rajamathivanan

ORDER

The petitioner Company has come up with this Writ Petition seeking to quash the impugned order dated 25.01.2006 passed by the respondent herein.

2. According to the petitioner, their Company, which is one of the largest service providers of mobile and basic Landline Telecommunication services, has been granted permission vide G.O.Ms.No.7, dated 12.02.2001 and G.S.Ms.No.13, dated 23.06.2001, granting the Right of Way permission to lay its cables, OFC, DP boxes, sub-pillar boxes, to establish telephone connections to its customers all over the State of Tamil Nadu.

3. It is the case of the petitioner that in Erode Bus stand, there are various shops and establishments carrying on business and about 40 applications have been made to their Company for grant of telephone connection in their establishments. While so, some third parties/STD Booth Operators had approached the respondent and represented that the petitioner Company should not be permitted to provide telephone connection to any of the shops/establishments in the Bus stand and based on such a representation, the respondent, vide his order dated 25.01.2006, directed the petitioner not to proceed with any activity to provide telephone connection to its customers. Aggrieved by the said order, the petitioner is before this Court.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. It is seen that pursuant to the interim order of this Court granted in W.P.No.21398 of 2003, on 27.02.2004, the petitioner could not effect service connection to the shops and establishments in Erode Bus stand. The case of the petitioner therein is that no one else should effect telephone connection to the shops and establishments in Erode Bus stand except those who are having STD/ISD and local service connection. The said Writ Petition was dismissed. However, a copy of the order passed therein has not been produced before this Court.

6. As people have got the liberty to obtain telephone service connection from any service provider, be it Government or private operators, this Court is of the view that the impugned order needs interference. Accordingly, the impugned order dated 25.01.2006 passed by the respondent herein is set aside. It is made clear that persons, who are interested in having telephone connection from the petitioner can avail the same.

The Writ Petition is allowed with the above direction. No costs. Consequently, connected W.P.M.P.No.9073 of 2006 is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

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Sub Assistant Registrar

(aeb)

TO: THE COMMISSIONER, ERODE MUNICIPALITY, ERODE.

+1cc to Mr.M.RAJAMATHIVANAN Advocate, S.R.No. 84107

+1cc to Mr.H.KARTHIK SESHADRI Advocate, S.R.No. 84173

Order in W.P.No.8135 of 2006

NM(CO)

TR(18/12/2017)