



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16891 of 2017

M/s.Indus Towers Limited.,
No.5(NP), ESPEE, IT Park,
V Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai-600 032,
Rep.by its Assistant Legal Manager,
Mr.S.Prasanna.

.. Petitioner

Vs.

1.The Commissioner,
Sivakasi Municipal Corporation,
Sivakasi, Virudhunagar District.

2.Pothiraj
3.S.Vijayalakshmi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to permit the petitioner to get access into building, belongs to the second respondent, which was sealed/locked by the first respondent on 08.08.2017, as per the order passed by this Court in W.P.(MD).No.10526 of 2017, for dismantling the cell phone tower, BTS and other equipments erected in the said premises in the presence of the first respondent officials within a period of three weeks time.

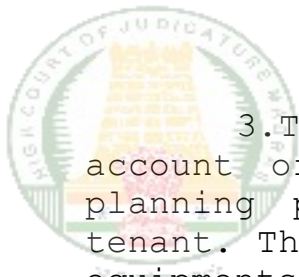
For petitioner	: Mr.M.Ponnaiah
For respondent No.1	: Mr.N.Dilipkumar
	Standing Counsel

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner, who is a service provider, filed this Writ Petition to permit them to dismantle the Cell Phone Tower, BTS and other equipments erected on the said premises, which was sealed by the local body.

2.We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent. We have also heard the learned Standing counsel appearing for the first respondent.



3. The first respondent sealed the premises in question on account of the failure on the part of the builder to obtain planning permission from the local body. The petitioner is a tenant. The petitioner erected the Cell Phone Tower, BTS and other equipments. The present request is to permit them to remove the Cell Phone Tower, BTS and other equipments and for the said purpose, to permit them to enter into the building.

4. In view of the limited prayer sought for by the petitioner, we direct the first respondent to desal premises and permit the petitioner to remove the Cell Phone Tower, BTS and other equipments. The process of removal should be completed by 22.09.2017. We make it clear that no activities shall be undertaken by the petitioner during the time of removal. The removal of Cell Phone Tower, BTS and other equipments shall be under the supervision of the officials of the first respondent and the expenses for such supervision shall be borne out by the petitioner. It is made clear that no further extension of time would be granted at any cost. The premises shall be sealed immediately after removal of equipments.

5. The writ petition disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

+1cc to M/S.M.Ponnaiah, Advocate SR.No. 77000

+1cc to M/S.N.Dilipkumar, Advocate SR.No. 77404

ORDER MADE IN
W.P. (MD) No.16891 of 2017
07.09.2017

NB

JM/RSK/SAR 1/08.09.2017/2P/3C