

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.628 of 2010

ORDER:

Heard Sri Damodar Mundra, Learned Counsel for the petitioner.

The action of the 4th respondent in erecting a cell tower on the roof-top of the building owned by the 3rd respondent, and the action of the 3rd respondent in encroaching upon government land and in constructing a mulgi thereupon, is questioned in this Writ Petition as being arbitrary and illegal.

The petitioner claims that the subject land contains a graveyard, and a part of it is a public road. As an obligation is cast on the Municipal Corporation to maintain public roads and graveyards, the petitioner's complaint of encroachment thereupon by the 3rd respondent necessitates examination by the first respondent herein. In so far as erection of a cell tower is concerned, detailed instructions have been issued by the Government in this regard.

Suffice it, therefore, to dispose of the Writ Petition permitting the petitioner to submit a representation to the first respondent bringing to his notice violation, of the relevant statutory provisions, by the 3rd respondent; and violation of the instructions, issued by the Government from time to time, by the 4th respondent, if any. The first respondent shall, within two months from the date of receipt of the petitioner's representation, examine the same and take necessary action in accordance with law. The first respondent shall communicate his decision to the petitioner herein within two months from the date of receipt of the petitioner's representation.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:27.10.2017.
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