

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.11387 of 2017

M/s.Kamakoti Nagar Plot Owners
& Residents Welfare Association,
Rep. By Secretary M.Chockalingam. ...Petitioner

Vs.

1. Kalpana
2. M/s.Indus Tower Ltd.,
Rep. By its Managing Director.
3. The Commissioner,
Greater Chennai Corporation, Ripon Building,
Chennai - 600 003.Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 3rd respondent to demolish the service tower installed by the 2nd respondent at the property situated at Old No.129, New No.42, Plot No.333, Kamakotti Nagar, (now renamed 9th Street), Pallikaranai, Chennai 600 100, as per notice dated 16.12.2016, under Section 258 of Chennai City Municipal Corporation Act, 1919.

For Petitioner : M/s.K.Sumathi
For Respondents : Mr.S.Suresh (for R1)
Mr.S.P.Arthi (for R2)
Mr.T.C.Gopalakrishnan (for R3)

ORDER

This Writ Petition has been filed seeking direction to the 3rd respondent to demolish the service tower installed by the 2nd respondent at the property situated at Old No.129, New No.42, Plot No.333, Kamakotti Nagar, Pallikaranai, Chennai 600 100.

2. The learned counsel for the 2nd respondent submitted that the Tower has become defunct and it is not in operation for the past 5 years. The 2nd respondent is ready to remove the Tower, however, due to the objections of the land owner and the local people, it could not be removed. If a Police protection is given, the 2nd respondent is ready to remove the Tower immediately.

3. The learned Standing Counsel for the 3rd respondent
<https://hcservices.ecourts.gov.in/hcservices/>

submitted that they have already issued notice under Section 258 of Chennai City Municipal Corporation Act, for removal of the said Tower. It is further submitted that if the Tower is not removed, the same will be demolished by them and the cost of doing so will be recovered.

4. In the light of the above submissions, this Court directs the 2nd respondent to remove the said Tower within a period of four weeks from the date of receipt of a copy of this order. The Inspector of Police, Pallikaranai is directed to provide Police protection to the second respondent, on their representation for removal of the Tower.

5. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

pvs

To

- 1) The Commissioner,
Greater Chennai Corporation, Ripon Building,
Chennai - 600 003.
- 2) The Inspector of Police,
Pallikaranai
- 3) M/s.Indus Tower Ltd.,
Rep.by its Managing Director,
ESPEE IT PARK, (N.P) Jawaharlal Nehru Road,
5th Floor, Ekkaduthangal,
Chennai-600097

+1 cc to Mr.T.C.Gopalakrishnan, Advocate SR.NO. 21018

SVI (CO)

JK 12/04/18

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