

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.1172 of 2018
and W.M.P.No. 1459 of 2018

L.Prakash

..Petitioner

Vs

1. State of Tamilnadu
Rep. by Secretary to Government,
Telecommunication Department,
Fort St. George, Chennai-600 001.
2. The Member Secretary,
CMDA,
Egmore, Chennai - 600 008.
3. The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
Periyamet, Chennai-600 003.
4. The Zonal Officer,
Corporation of Chennai Division -IX
No.8, Lake View, Nungambakkam,
Chennai-600 034.
5. The Managing Director,
Tamil Nadu Telecommunication Limited,
No.16, Aziz Mulk 3rd Street,
Thousand lights, Chennai-600 006.
6. Mr.Muthukumar
7. Reliance Telecom Communication
Rep. by (CEO)
Haddows Road, Nungambakkam,
Chennai-600 034.

..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the 4th respondent herein to forbear the 6th and 7th respondents herein from construction and erecting of Mobile Telecom Tower at door No.5/54, Nainan Street, Gurupuram, Abhiramapuram, Chennai 600 018.

For Petitioner : Mr.T.V.Xavier
For Respondents : Mr.B.Anand,
Government Advocate for R1
Mr.P.Tamilmani,
Standing Counsel for R2
Mr.T.C.Gopalakrishnan,
Standing Counsel for R3 & R4
Mr.P.Balasubramanian, for R5
No appearance for R6 & R7

ORDER

The petitioner has come forward with this writ petition seeking issuance of a writ of mandamus, to direct the fourth respondent to forbear the respondents 6 and 7 from constructing and erecting the Mobile Telecom Tower at Door No.5/54, Nainan Street, Gurupuram, Abhiramapuram, Chennai - 600 018.

2. Heard the learned counsel for the petitioner, learned Government Advocate for the first respondent, learned Standing counsel for the second respondent, learned Standing counsel for the respondents 3 and 4, learned counsel for the fifth respondent and none appeared for the respondents 6 and 7.

3. The learned counsel for the petitioner submitted that the sixth respondent is the neighbour of the petitioner and now he has entered into an agreement with the seventh respondent for erection of cellphone tower, despite objections and the representations dated 01.12.2017 and 08.01.2018 sent to the respondents 2 to 4 to take against the private respondents was not acted upon and hence, the petitioner would be satisfied, if a direction is given to the fourth respondent to consider the representation of the petitioner.

4. The learned Standing counsel appearing for the respondents 3 and 4 submitted that the fourth respondent is ready to consider the representation of the petitioner in accordance with law.

5. In the light of the submissions made by the learned counsel on either side and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the fourth respondent to consider the representations of the petitioner dated 01.12.2017 and 08.01.2018, on merits and in accordance with law, after providing an opportunity to all necessary parties, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Telecommunication Department,
Fort St. George,
Chennai-600 001.
2. The Member Secretary,
CMDA,
Egmore,
Chennai-600 008.
3. The Commissioner,
Corporation of Greater Chennai,
Rippon Building,
Periyamet, Chennai-600 003.
4. The Zonal Officer,
Corporation of Chennai Division -IX
No.8 Lake View, Nungambakkam,
Chennai-600 034.
5. The Managing Director,
Tamil Nadu Telecommunication Limited,
No.16, Aziz Mulk 3rd Street,
Thousand lights,
Chennai-600 006.

+1cc to Mr.T.V.XAVIER, Advocate, S.R.No.47873
+1cc to Mr.T.C.GOPALAKRISHNAN, Advocate, S.R.No.46913
+1cc to Mr.P.TAMILMANI, Advocate, S.R.No. 46914
+1cc to the Government Pleader, S.R.No.47548

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TR(02/08/2018)