

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2018

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.31687 of 2016
and
W.M.P.No.27495 of 2016

Elizabeth Jacob

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Kanchipuram District - 631 501,
Tamilnadu.

2.The President,
Melakottayur Village Panchayat,
Milakottayur, Thiruporur,
Chengalpattu Taluk,
Kancheepuram District,
Tamil Nadu.

3.M/s.ATC Telecom Tower Corporation (P) Ltd.,
Rep.by its authorized signatory
Circle Office at No.443/304, Guna Complex,
Annexure -1, Third Floor,
Anna Salai, Teynampet,
Chennai - 18.

4.Dr.B.Sachuthananthan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing the respondents 1 and 2 to immediately dismantle the mobile tower of 3rd respondent erected at 4th respondent's property located plot No.105 in layout called 'POOMPUKAR NAGAR' at Melakottaiyur Village, Chengalpattu Taluk.

For Petitioner	: Mr.K.V.Bhashyam Chari
For Respondents	: Mr.V.Shanmuga Sundar, Special Government Pleader, for R1 & R2 Mr.J.Ravikumar, for R3 Mr.G.Ramesh, for R4

O R D E R

This writ petition has been filed seeking for a writ of mandamus, directing the respondents 1 and 2, to immediately dismantle the mobile tower of the third respondent erected in the property of fourth respondent situated at plot No.105 in Poompukar Nagar, Melakottaiyur Village, Chengalpattu Taluk.

2. Heard the learned counsel for the petitioner and the learned counsels appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that the third respondent without obtaining any planning permission from the authorities has erected the mobile tower in the property of the fourth respondent. Though, the illegality was brought to the knowledge of the respondents 1 and 2, no action was taken. Hence, the present writ petition.

4. The learned counsel for the petitioner submitted that the petitioner would be satisfied, if a direction is issued to the first respondent to consider the representation of the petitioner.

5. The learned Special Government Pleader appearing for the respondents 1 and 2, submitted that the representation of the petitioner would be considered in accordance with law.

6. In the light of the above submissions made by the learned counsels on either side and the limited prayer sought for in this writ petition, this Court, without going into the merits of the case, directs the first respondent to take appropriate action on the representation of the petitioner dated 17.8.2016 and pass orders on merits and in accordance with law, after affording an opportunity of personal hearing to all the necessary parties, within twelve weeks from the date of receipt of this order.

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

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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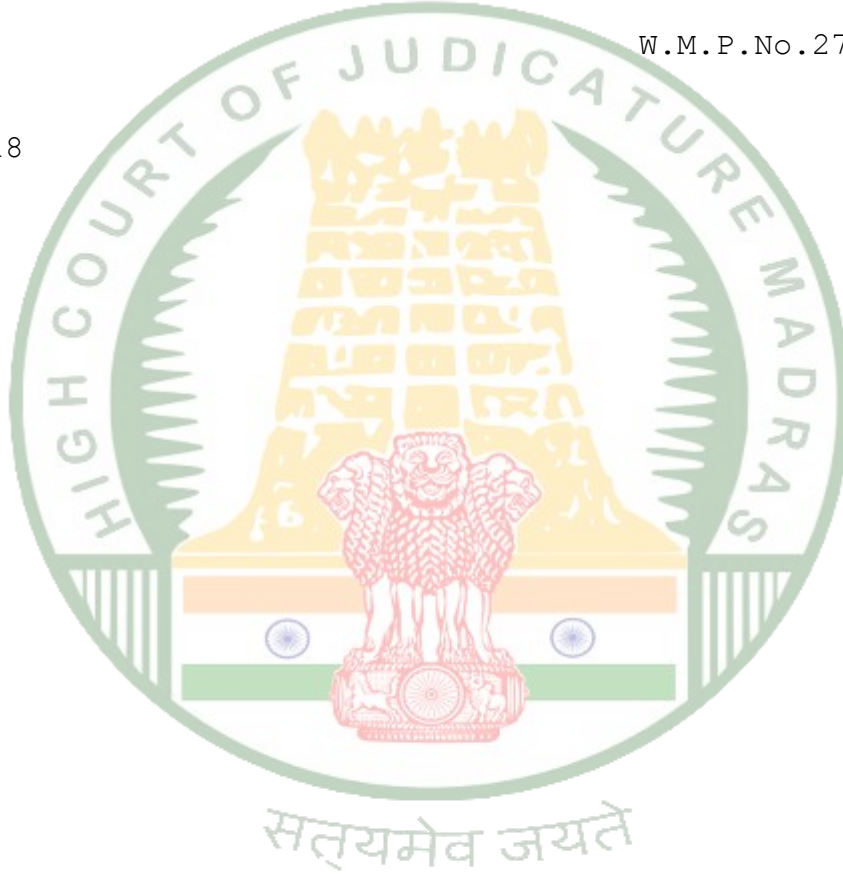
1. The District Collector,
Collectorate,
Kanchipuram District - 631 501,
Tamilnadu.

+1cc to Mr.J.Ravikumar, Advocate, S.R.No.28170

+2ccS to Mr.K.V.Bhashyam Chari, Advocate, S.R.No.27969

W.P.No.31687 of 2016
and
W.M.P.No.27495 of 2016

GJII(CO)
CS/17/05/18



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