

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.6973 of 2019 &
W.M.P.No.7707 of 2019

Anna Nagar West End Colony
Welfare Association,
Rep. by its Vice President Pon L.Loganathan,
Plot No. 1230,
Anna Nagar West End Colony,
Chennai - 600050 ...Petitioner

Vs.

- 1 Union Government of India,
Ministry of Communication,
Rep. by its Principal Secretary ,
Sanchar Bhawan No.20 ,
Ashoka Road New Delhi - 110001.
- 2 Telecom Regulatory Authority
of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi - 110002.
Rep. by Special Secretary.
- 3 The Chennai Metropolitan
Development Authority,
Thalamuthu Natarajan Maaligai,
No.1 Gandhi Irwin Road,
Egmore, Chennai - 600008.
- 4 Government of Tamil Nadu,
Ministry of Housing and Urban Development
Fort St. George Chennai - 600009
Rep. by its Principal Secretary,
- 5 Government of Tamil Nadu,
Ministry of Housing and Urban Development,
Fort St. George,
Chennai - 600009,
Rep. by its Principal Secretary.

- 6 The Collector of Chennai,
No. 62, Rajaji Salai,
Chennai - 600001.
- 7 The Corporation Commissioner,
Chennai Corporation No. 1131,
EVR Periyar Salai,
Park Town,
Rippon Building,
Chennai - 600003.
- 8 The Commissioner of Police,
No. 132-137, EVR Road, Vepery,
Chennai - 600007.
- 9 R.Suresh Babu,
S/o. Ranganatha Naidu, 68 6th Street,
Baggiyathammal Nagar, Padi,
Chennai - 600050.
- 10 M/s. Bharti Airtel Ltd.
No. 101 Santhome High Road Santhome
Chennai - 600028
Rep. by its Managing Director, ..Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, forbearing the 9th and 10th respondents from in any away erecting the mobile tower at No.68, 6th Street, Baggiyathammal Nagar, Padi, Chennai - 600 050, without compliance of Rule 10 of G.S.R.1070 (E) dated 15.11.2016 and G.O.(Ms)No.1, dated 21.02.2018.

For Petitioner : Mr.T.M.Naidu & Co.
For Respondents : Mr.C.V.Ramachandra Murthy,
CGSC for R1

Mr.Karthi Rajan
Standing Counsel for R3

Mrs.Karthika Ashok
Standing Counsel for R7

O R D E R

Mr.C.V.Ramachandra Murthy, learned Central Government Standing Counsel takes notice for the first respondent; Mr.Karthi Rajan, learned Standing Counsel takes notice for the third respondent; Mrs.Karthika Ashok, learned Standing Counsel

takes notice for the second respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, forbearing the respondent 9 and 10 from in any way erecting the mobile tower at No.68, 6th Street, Baggiyathammal Nagar, Padi, Chennai - 600 050, without compliance of Rule 10 of G.S.R.1070 (E) dated 15.11.2016 and G.O.(Ms)No.1, dated 21.02.2018.

3. The relief sought for in the Writ Petition is not maintainable as against the private respondents and no Writ Petition under Article 226 can be entertained, as it is not amenable to the writ jurisdiction. If the rights are purely of a private character, no mandamus can be issued. Hence, the writ petition filed by the petitioner is not maintainable against the respondents 9 and 10. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to work out their remedy in the manner known to law by approaching the appropriate authority. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

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To

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- 2 The Special Secretary.
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- 3 The Chennai Metropolitan
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- 4 The Principal Secretary,
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 - 7 The Corporation Commissioner,
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 - 8 The Commissioner of Police,
No. 132-137, EVR Road, Vepery,
Chennai - 600007.
- +1 CC to Ms.Karthikaa Ashok, Advocate sr 23263.
+1 CC to Mr.Karthik Rajan, Advocate sr 22686.
+1 CC to Mr.C.V.Ramachandra Murthy, Advocate sr 22569.

GJ(CO)
SP(10/04/2019)

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