

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.1056 of 2014

and

M.P.No.1 of 2014

Visalakshi

... Petitioner

Vs.

1.The Reliance Communications Limited,  
Represented by its Regional Administrative Officer,  
7<sup>th</sup> Floor, 39, Dr.Radhakrishnan Salai,  
Mylapore, Chennai - 4.

2.The Commissioner,  
Mayiladuthurai Municipality,  
Mayiladuthurai,  
Nagapattinam District.

3.Prabhakaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to forbear the first respondent from erecting Micro wave Tower in T.S.No.768, Ward No.4, Block No.16, Arupathumoovar Pettai Road, Koorainadu, Mayiladuthurai Town, Nagapattinam District without getting permission from him as contemplated under Tamil Nadu District Municipalities Act.

For Petitioner : Mr.S.Sounthar

For Respondents : Mr.V.Jaya Prakash Narayanan  
for R1 & 2

Special Government Pleader

No appearance for R3

O R D E R

This Writ Petition has been preferred by the petitioner to direct the second respondent to forbear the first respondent from erecting Micro wave Tower in T.S.No.768, Ward No.4, Block No.16, Arupathumoovar Pettai Road, Koorainadu, Mayiladuthurai Town, Nagapattinam District without getting permission from him as contemplated under Tamil Nadu District Municipalities Act.

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner has made a representation to restrain the 1<sup>st</sup> respondent from erecting micro wave towers in the third respondent's property without obtaining permission from the second respondent. The said representation is still pending and no order has been passed.

3. It is represented by the learned Special Government Pleader that the 2<sup>nd</sup> respondent has not passed any order as on today. No counter has been filed by the second respondent and the learned counsel for the respondents 1 & 2 had denied the allegations made by the petitioner.

4. Admittedly, the representation made by the petitioner is pending before the first respondent. In view of the above, without giving any opinion on merits, the 2<sup>nd</sup> respondent is directed to consider the petitioner's representation dated 23.12.2013 on merits, after providing an opportunity to both the parties and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is needless to say that the petitioner shall also furnish a copy of the said representation along with this order copy to the respondents.

5. With this direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is also closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

arb/rkp

To

The Commissioner,  
Mayiladuthurai Municipality,  
Mayiladuthurai,  
Nagapattinam District.

+1 CC to Mr.S.Sounthar, Advocate sr 11978.

+1 CC to Mr.V.JayaPrakash Narayanan, Advocate sr 11224.

W.P.No.1056 of 2014

and

M.P.No.1 of 2014

CP(CO)

SP(11/03/2019)