



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

WEB COPY

W.P. (MD) No.5666 of 2019

M/s. Indus Towers Limited.,
No.5 (NP), ESPEE, IT Park,
V Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai - 600 032,
represented by its Assistant Legal Manager,
Mr.S.Prasanna ... Petitioner

Vs

1.The Commissioner, Nagercoil Municipality,
Nagercoil, Kanniyakumari District.

2.A.Anthony

3.A.Arockia Robin ... Respondents

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directed the first respondent to de-seal the building and permit the petitioner to get access in to building comprised in S.No.old Door No.2503, corresponding to 168A, New Door No.755, K.P.Road, Opposite to District Collector Office Building, Ramanpudur, Nagerkoil, Kanyakumari District - 629 004, belong to the respondents 2 and 3, which was sealed/ locked by the first respondent on 25.02.2019 for dismantling the cell phone tower, BTS and other equipments erected in the said premises in the presence of the first respondent officials within a period of four weeks time.

For Petitioner : Mr.M.Ponniah
For R1 : Mr.P.Athimoolapandian

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the first respondent municipality.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner had erected a mobile phone tower on the top of the building that belongs to respondents 2 and 3. The said building has now been locked and sealed under Section 56 and 57 of the Tamil Nadu Town and Country Planning Act, 1971. All that the petitioner wants is de-sealing of the said premises for a short duration, so as to enable the petitioner to access the terrace and remove the structures put up by him.



4.I am of the view that this request is unobjectionable. Therefore, the first respondent is directed to de-seal the premises in question for a period of four weeks.

5.Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar (Crl.side)

/ True Copy /

Sub Assistant Registrar

To
The Commissioner, Nagercoil Municipality,
Nagercoil,
Kanniyakumari District.

+1 CC to M/s.M.PONNIAH, Advocate (SR-53141[F] dated 12/03/2019)

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12.03.2019

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