



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8189 of 2020

and

W.M.P.(MD)No.7609 of 2020

WEB COPY

S.Rajagopal

...Petitioner

Vs

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Superintending Engineer (Distribution),
TANGEDCO,
Thoothukudi.

3.Jeyanthi

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider his objection dated 22.05.2020 in accordance with Rule 3 of the Works of Licensees Rule, 2006 read with Section 17 of the Indian Telegraph Act, 1885.

For Petitioner	: Mr.H.Arumugam
For R1	: Mr.S.Angappan Government Advocate
For R2	: Ms.M.Rajeswari for Mr.S.M.S.Johny Basha

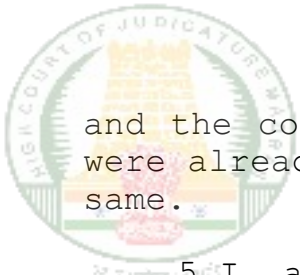
ORDER

Heard the learned counsel appearing for the writ petitioner, learned Government Advocate appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

2.Considering the nature of relief to be granted, notice to the third respondent is dispensed with. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal at the stage of admission itself.

3.The petitioner's counsel states that he is the owner of the petition mentioned land and that, without taking his consent, the second respondent is attempting to erect towers thereon. Therefore, he has submitted a representation dated 22.05.2020 before the first respondent and he wants the same to be considered as per the Rule 3 of the Works of Licensees Rules, 2006 read with Section 17 of the Indian Telegraph Act.

4.The learned Standing Counsel states that with the knowledge



and the consent of the writ petitioner, civil works in the towers were already completed and that the petitioner has since damaged the same.

5. I am not in a position to go into the said factual controversy. Be that as it may, all that the petitioner wants is only a disposal of the petition mentioned representation. The petitioner is definitely having a statutory and legal right to have the same disposed of. Therefore, the first respondent is directed to dispose of the petition mentioned representation. The first respondent shall also put all the interested persons on notice before passing final orders. I make it clear that I have not gone into the merits of the matter. It is for the first respondent to take a call in the matter. The first respondent is directed to dispose of the petitioner's representation within a period of four weeks from the date of receipt of a copy of this order.

6. The learned Standing Counsel states that the Works of the Licensees Rules, 2006 will not have any application to the case on hand.

7. I refrain from giving a finding of this aspect also. It is for the first respondent to decide the matter in accordance with law.

8. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Collector,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.H. ARUMUGAM, Advocate (SR-13383[F] dated 30/07/2020)

W.P.(MD)No.8189 of 2018

29.07.2020

KB(31.07.2020) 2P 3C