



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2505 of 2021

and

W.M.P. (MD)No.2081 of 2021

Sasikala

... Petitioner

-Vs-

1.The Revenue Divisional Officer,
Collectorate, Nagercoil,
Kanyakumari District.

2.The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District.

3.G.T.L.Infrastructure Ltd.,
Global Vision Electricity Sada,
II MIDC T.T.C. Industrial Mahaperavi,
Mumbai-400 710, Maharastra State.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to take appropriate actions under Section 327 of City Municipal Corporation Act, 1981 and to remove the dilapidated cell-phone Tower situated in Old Survey No.3325/97 (New R.S.No.747/1A-2-B2) of Peruvilai Village, Nagercoil City Corporation Limit Ward No.24, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.M.Saravanakumar
For R2 : Mr.P.Athimoolapandian

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the second respondent. Considering the nature of relief to be granted, issuance of notice to R1 & R3 is dispensed with.

2.The petitioner had purchased the petition mentioned properties from her vendor Thiru.S.Moni. She had entered into an agreement with the third respondent for erection of the mobile tower. The third respondent is neither paying any rent nor maintaining the mobile tower. As a result, it has become danger to



the safety of the local residence and also the petitioner herself. The petitioner therefore moved this Court for taking action under Section 327 of the Coimbatore City Municipal Corporation Act, 1994 which applies to the second respondent also.

3.I am of the view that this is essentially a private civil dispute between the petitioner and the third respondent. Therefore, the invocation of the writ jurisdiction at this stage is not warranted. However, it is for the second respondent to take note of the ground reality and take such action as he deems fit. It is not for this Court to issue any direction to the second respondent at the instance of the petitioner herein. Leaving open the petitioner's rights to avail other remedies under law and also to pursue the matter with the second respondent, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

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

1.The Revenue Divisional Officer,
Collectorate, Nagercoil,
Kanyakumari District.

2.The Commissioner,
Nagercoil Corporation,
Nagercoil, Kanyakumari District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-4477[F] dated
11/02/2021)

W.P. (MD)No.2505 of 2021

11.02.2021

SVN(CO)

TR(23.02.2021) 2P 4C