



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13859 of 2021

A.James

... Petitioner

Vs.

1.Principal General Manager,
Bharath Sanchar Nigam Ltd.,
Tallakulam,
Madurai.

2.The General Manager,
Bharath Sanchar Nigam Ltd.,
Karaikudi.

3.The Assistant General Manager,
Bharath Sanchar Nigam Ltd.,
Paramakudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to vacate the IMPCS Cell Tower, in the top floor of the petitioner premises in Bagath Singh Bungalow Road, Near Krishna Theatre, Paramakudi based on the notice cum representation of the petitioner on 26.03.2020 and fix a time frame fixed by this Court.

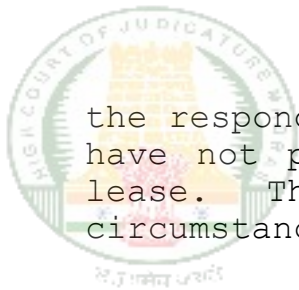
For Petitioner : Mr.R.Ramasamy

ORDER

The petitioner seeks a direction to the respondents herein to remove the mobile phone tower erected on the top floor of the petitioner's premises in Bagath Singh Bungalow Road, Near Krishna Theatre, Paramakudi on the basis of the petitioner's representation dated 26.03.2020.

2. The petitioner asserts that he is the owner of a building at the aforesaid address. The respondents took the third floor of such building on rent for purposes of installing a mobile phone tower and equipment ancillary thereto. A lease deed was executed and such lease was from 01.08.2015 to 31.07.2020. The

<https://hccastecourt.org.in/cases>



the respondents have failed to vacate. It is also alleged that they have not paid the lease rentals in respect of the place taken on lease. The present Writ Petition is filed in the said facts and circumstances.

3. Ordinarily, in exercise of jurisdiction under Article 226 of the Constitution, this Court does not interfere in contractual disputes, including disputes between a lessor and lessee. However, in the case at hand, the respondent (BSNL) is an entity which is fully controlled by the Central Government. Accordingly, the said respondent may be directed to consider the petitioner's representation and dispose of the same on merits. In view of the fact that the merits of the matter have not been gone into, such direction is issued without notice to the respondents.

4. Accordingly, the respondents are directed to consider the petitioner's representation dated 26.03.2020 and dispose of the same within a period of two (2) months from the date of receipt of a copy of this order. It is made clear that if the petitioner and the respondents are unable to reach a settlement, the petitioner shall institute appropriate legal proceedings before a jurisdictional Court and not take recourse to a public law remedy in respect thereof.

5. W.P.(MD).No.13859 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.Principal General Manager,
Bharath Sanchar Nigam Ltd.,
Tallakulam,
Madurai.



2.The General Manager,
Bharath Sanchar Nigam Ltd.,
Karaikudi.

3.The Assistant General Manager,
Bharath Sanchar Nigam Ltd.,
Paramakudi.

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