



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.NO.5056 OF 2022

Jiji Mathew

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Information Technology Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai.
3. The District Collector,
Singaravelar Maligai,
Chennai - 600 001.
4. The Zonal Officer,
Chennai Metropolitan Municipal Corporation,
Zone-4, Tondiarpet,
Chennai.
5. Indus Towers Limited
Rep.by its Authorized signatory,
Chennai-97

... Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to take appropriate action on the illegal erection of mobile tower by the 5th respondent at 6th respondent's building, cancelling the approval/license, if issued and to stop the functioning and dismantle the cell phone tower from the location, based on the representation of the petitioner dated 13.09.2021.



WEB COPY

For Petitioner : Mr.D.Ashok Kumar

For Respondents:

For R1 & R3 : Mr.S.John S.Raja Singh
Additional Government Pleader

For R2 & R4 : Mrs.P.T.Rama Devi
Standing Counsel

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first and third respondents and the learned Standing Counsel for the second and fourth respondents.

2. It is submitted that the petitioner's father had filed a Public Interest Litigation (PIL) in W.P.No.375 of 2020, seeking direction to direct the respondents 1 to 4 to take appropriate action on the illegal erection of mobile tower at the 5th respondent's building and irregularities made by the 5th respondent based on the representation of the petitioner.

3. By an order dated 25.01.2021, the Hon'ble division Bench of this High Court has disposed the said writ petition following the recent orders passed by this Court in the case of N.Shanmugam Vs. Government of Tamil Nadu in W.P.No.981 of 2021 vide order dated 20.01.2021, which is identically extracted below::

"This is another case of direct private interest being pursued by way of a public interest litigation complaining of encroachment.

2. In view of the recent orders passed by this Court, including in N.Shanmugam Vs. Government of Tamil Nadu, dated 20.01.2021, in W.P.No.981 of 2021, the petitioner has to pursue the petitioner's remedies before the local authorities and, if dissatisfied with the outcome of the petitioner's representation, carry the matter forward in accordance with law, otherwise than by way of a public interest litigation.

3. Accordingly, W.P.No.375 of 2020 is disposed of without going into the merits thereof. There will be no order as to costs.

4. Almost for an identical relief, the present writ petition has been filed by the petitioner. There is no merits in the present writ petition. Further, it is for the respondents to



act in accordance of the order of this Court in W.P.No.375 of 2020 dated 25.01.2021, failing which, they may be called upon to answer as to why they should not be punished for the contempt of this Court Order.

WEB COPY

5. Under these circumstances, the writ petition is closed by directing the respondents 1 to 4 to consider the representation of the petitioner dated 13.09.2021 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. Needless to state that before passing such order the private respondent shall also be called upon.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rgm

To

1. The Principal Secretary,
Information Technology Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai.
3. The District Collector,
Singaravelar Maligai,
Chennai - 600 001.
4. The Zonal Officer,
Chennai Metropolitan Municipal Corporation,
Zone-4, Tondiarpet, Chennai.

+1cc to Mr.S.Anil Sandeep, Advocate, S.R.No.34028
+1cc to Mrs.P.T.Rama Devi, Advocate, S.R.No.33164
+1cc to the Government Pleader, S.R.No.33553

W.P.No.5056 of 2022

PL(CO)
PM/23/06/2022