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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. NO. 33938 OF 2018

AND

W.M.P.NO.39402 OF 2018

S.A.Antonyswami

...Petitioner

Vs

1.Government of Tamil Nadu,
Rep. by its Secretary,
Department of Telecommunications,
Fort St. George,
Chennai - 600 009.

2.The District Collector,
No.62, Rajaji Salai,
Chennai - 600 001.

3.Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road, Chennai - 600 008.

4.M/s.Reliance Jio Infocomm Limited,
Rep. by Authorised Person,
Having its Circle office at
A1 Tower, 8th Floor, 89-90,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

5.Perumal

6.The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

...Respondents

(R6 - impleaded vide order dt.02.06.2020
in W.M.P.No.18323/2019)

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying for issuance of Writ of Mandamus
directing the respondents 1 to 3 to take appropriate action in



particular not to permit the fourth respondent to erect a Base Transreceiver Station Tower in the Building of the fifth respondent at No.167, Vivekananda Street, Padikuppam Road, Annanagar West, Chennai - 600 040 in violation of the provisions of G.O.Ms.No.2 dated 01.04.2002 issued by the first respondent and the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.V.Prakash, Senior Counsel
For M/S.RRN Legal

For Respondents : Mr.K.Suresh
Government Advocate (for R1 & R2)
Ms.P.Veena Suresh
Standing Counsel (for R3)
Mr.A.Vimalraj (for R4)
Ms.P.T.Ramadevi
Standing Counsel (for R6)

O R D E R

The prayer sought for herein is for a Writ of Mandamus to direct the respondents 1 to 3 to take appropriate action in particular not to permit the fourth respondent to erect a Base Transreceiver Station Tower in the Building of the fifth respondent at No.167, Vivekananda Street, Padikuppam Road, Annanagar West, Chennai - 600 040 in violation of the provisions of G.O.Ms.No.2 dated 01.04.2002 issued by the first respondent and the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

2. The fourth respondent has proposed to erect a Base Transreceiver Station Tower in the Building of the fifth respondent at No.167, Vivekananda Street, Padikuppam Road, Annanagar West, Chennai-600 040.

3. Thwarting the said attempt made by the fourth respondent, the petitioner being the neighbour of the fifth respondent, has moved this writ petition with the aforesaid prayer.

4. When this writ petition is taken up for hearing, Mr.A.Vimalraj, learned counsel appearing for the fourth respondent, submitted that, in fact the plan to erect the tower at the fifth respondent building has been dropped and the tower has not been erected.

5. In view of the said submission, on instructions, made by the fourth respondent, recording the same, this Court feels that no further order needs to be passed in this writ petition as sought for by the petitioner. Hence, this writ petition is disposed of.



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6. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

sp/mp

To

1. The Secretary,
Department of Telecommunications,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
No.62, Rajaji Salai,
Chennai - 600 001.
3. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Chennai - 600 008.
4. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai - 600 003.

+1cc to M/s.P.Veena Suresh, Advocate Sr.No.3191

+1cc to Mr.N.R.Ananth Rama Krishnan, Advocate Sr.No.3207

+1cc to M/s.RRN Legal, Advocate Sr.No.3330

+1cc to the Government Pleader Sr.No.3711

W.P.No.33938 of 2018

PL(CO)
RVM(17/02/2022)