



W.P.No.6981 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.6981 of 2023
and W.M.P.No.7084 of 2023

United Plantation Limited
Represented by its Manager
Terrace Estate,
78, Cheran Towers,
Government Arts College Road,
Coimbatore-641 018.

. . . Petitioner

vs.

1. The Sub-Divisional Engineer (SDE)
Bharat Sanchar Nigam Limited (BSNL)
(A Govt of India Enterprises)
O/o.SDE (BBC)
Udhagamandalam-643 001.
2. The Deputy General Manager (DGM)
Bharat Sanchar Nigam Limited (BSNL)
(A Govt of India Enterprises)
Nilgiris, Coonoor.
3. The Assistant General Manager (DGM) Urban
Bharat Sanchar Nigam Limited (BSNL)
(A Govt of India Enterprises)
Coonoor.

. . . Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to offer a hearing to the Petitioner Company pursuant to the Objection letter dated 24.01.2023, in accordance with law and pass orders in a time bound manner.

For Petitioner : Ms. Saashee,
for Mr. R.Rajmakesh

ORDER

This Writ Petition has been filed seeking a direction to the 1st for affording an opportunity of personal hearing to the Petitioner company pursuant to the Objection letter dated 24.01.2023 before passing any order.

2. It is the case of the petitioner that the Petitioner Company being the owner of the property to an extent of about 1200 acres situated 8 kms away from Naduvattam Village in Nilgiris District, Tamil Nadu, is carrying out tea cultivation in the said lands. The petitioner Company availed internet and landline services from Bharat Sanchar Nigam Limited (in short 'BSNL') for which, the cables were erected in the adjoining lands. While being so,



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notice dated 13.01.2023 was issued to the petitioner by the 1st respondent informing that the objections have been raised by another entity i.e., M/s Mahavir Plantations Pvt Ltd with regard to erection of cables and if the Petitioner Company continued to use internet and landline services the same may be subject to acquiring a permission/No Objection Certificate from M/s Mahavir Plantations Pvt Ltd failing which the internet services will be disconnected from 01.02.2023, for which, the petitioner made an objection vide letter dated 24.01.2023 stating that the cables are erected only in panchayat lands not in any other land. Since the objection made by the petitioner was not considered, the present Writ Petition has been filed with the aforesaid prayer.

3. Though very many grounds have been raised, however, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to consider the objection made by the petitioner on 24.01.2023 and pass orders on the same on merits after affording an opportunity of personal hearing to the petitioner within the time that may be stipulated by this Court.



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4. In view of the limited relief sought for in this Writ Petition, this Court, without expressing any opinion on the merits of the case, directs the 1st respondent herein to consider the objection made by the petitioner vide letter dated 24.01.2023 and pass appropriate orders on the same on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner as well as to the aggrieved parties if any, within a period of four weeks from the date of receipt of a copy of this order.

5. This writ petition is disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

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NHS

Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

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