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W.P.No.12683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12683 of 2023
and WMP No.12463 of 2023

T.Hariprakash

... Petitioner

.Vs.

1. The District Collector
Chennai District
Singaravelar Maaligai
Chennai-600 001.
2. The Commissioner
Greater Chennai Corporation
Rippon Buildings
53, Raja Muthiah Road
Kannappar Thidal
Periyamet
Chennai-600 003.
3. M/s.Tower Vision India Private Limited
Rep.by its Authorised Signatory
No.6, Dr.Abedkar Street, B.V.Nagar
Gandhi Nagar, Meenambakkam
Chennai-600027.
4. Mr.P.Gopalakrishnan
No.21A, 20th Street
Thirumal Nagar, Puthagaram
Vinayagapuram, Kolathur
Chennai - 600 099.

.. Respondents



W.P.No.12683 of 2023

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to refrain the respondents 3 and 4 from making construction to erect and install mobile tower on the house building of the 4th respondent situated at No.43, 2nd Main Road, Thirumal Nagar, Puthagaram, Vinayagapuram, Kolathur, Chennai-600 099.

For Petitioners Mr.P.Manojkumar

For Respondents Mr.C.Selvaraj
Additional Government Pleader
for R1

Mrs.P.T.Ramadevi
Standing Counsel
for R2

ORDER

When the writ petition came up for hearing on 26.4.2023, this Court passed the following order:

Mr.C.Selvaraj, learned Additional Government Pleader takes notice for 1st respondent. Mrs.P.T.Ramadevi, learned Standing counsel takes notice for 2nd respondent. Notice to the respondents 3 and 4 both through Court as well as privately returnable by 12.06.2023.

2.The learned Standing counsel appearing on behalf of Chennai Corporation submitted that pursuant to GO Ms No.4 Information Technology Department dated 25.01.2022, the Corporation Commissioner is the District Nodal Officer, who is solely empowered to issue permission for erection of Mobile towers. The grievance of the



W.P.No.12683 of 2023

petitioner is that the 3rd respondent is erecting the mobile tower over the property belonging to the 4th respondent without getting any permission or approval. If such erection of mobile tower is done without the approval of the 2nd respondent, it is left open to the Chennai Corporation to proceed further against the respondents 3 and 4 and if any such action is taken, a report shall also be filed before this Court.

3.Post this case on 12.06.2023.

2.When the matter was taken up for hearing today, the Chennai Corporation has filed a counter affidavit. For proper appreciation, the relevant portion in the counter affidavit is extracted hereunder:

"8. I submit that since the public in that vicinity have objected for erection of cell phone tower the Online Application submitted by the 3rd respondent herein was rejected on 05.06.2023 and the rejection order was also communicated to the 4th respondent by letter dated 07.06.2023. Further, the building at No.43, 2nd Main Road, Thirumal Nagar, Puthagaram, Vinayagapuram, Kolathur, Chennai - 600 099 was again inspected and found that the no construction/erection activity is being carried out by the 3rd respondent herein".

3.It is clear from the above that the online application submitted by the 3rd respondent has been rejected on 05.06.2023 and the rejection order has been communicated to the 4th respondent, who is the owner of the property through letter dated 07.06.2023. The learned counsel for the 3rd respondent submitted that they have not received any notice from the



W.P.No.12683 of 2023

Chennai corporation.

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4. There shall be a direction to the Zonal Officer-III, Zone-III, Greater Chennai Corporation, to furnish the communication dt.05.06.2023, rejecting the application made by the 3rd respondent, to the 3rd respondent immediately to enable the 3rd respondent to challenge the same in the manner known to law.

5. Considering the stand taken by the Chennai Corporation, nothing survives in this writ petition and accordingly, the same is closed. No costs. Consequently, connected miscellaneous petition is closed

12.06.2023

KP

Internet : Yes/No

Index : Yes/No

Neutral Citation : Yes/No



W.P.No.12683 of 2023

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N.ANAND VENKATESH, J.
KP



WEB COPY



W.P.No.12683 of 2023

W.P.No.12683 of 2023

12.06.2023