



W.P.No.29429 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

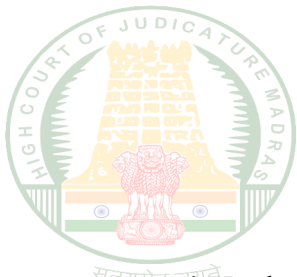
W.P.No.29429 of 2015
and M.P.No.1 of 2015

Noombal Sri Mahalakshmi Nagar,
Plot Owners and Residence Welfare Association,
Regn. No.54/2009.
Representation by its President,
V.GandhiRajan
No.97, Sri Mahalakshmi Nagar,
Noombal, Chennai-600 077.

...Petitioner

-Vs-

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,
Chennai- 600 008.
- 2.The Executive Officer, The Commissioner,
Thiruverkadu Municipality,
Thiruverkadu,
Chennai 600 077.
3. The Zonal Manager,
Tata Teleservices Ltd.,
13th Floor, Prince Info City II,
Nos.283 & 284,
Raju Gandhi Salai,
Kandanchavadi, Chennai- 600 096



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4.Kothandam

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...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 1st and 2nd respondent to consider the petitioner's representation dated 17.06.2015 and take immediate enforcement action to stop the functioning of Telecommunication Tower and remove the same from the House sites at Plot Nos.119 & 120, Sri Mahalakshmi Nagar, Noombal, Chennai-600 077 (Lay out approved by MMDA in PPD/Lo. 136/87 within the time stipulated by this Court.

For Petitioner : M/s.G.Devi
for M/s.V.Venkatesan

For Respondents : Mr.P.Veera Suresh
Standing Counsel for R1
Mr.R.Mohandoss for R2
No appearance for R3

ORDER

This writ petition has been filed seeking to direct the 1st and 2nd respondents to consider the petitioner's representation dated 17.06.2015 on merits within the time frame as may be fixed by this Court.



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2. The brief facts of the case are follows:

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Sri Mahalakshmi Nagar is a MMDA approved lay-out classified as Primary resident zone. The 4th respondent has given permission to the 3rd respondent to install Big Telecommunication Tower in Plot Nos. 119 & 120. The said plots are earmarked only for residential purpose. On 20.01.2014 the 1st respondent has requested the 2nd respondent to take enforcement action against the illegal construction. On 01.04.2015 the petitioner sought for information under Right to Information Act, wherein Public Information Officer has informed that conversion of land is not permissible and approval for was not granted for erection of Tower in the said plot Nos. 119 & 120. Hence, the petitioner sent a representation dated 17.06.2015 to the 1st and 2nd respondent requesting to stop function of tower and to remove the same, till date the respondents has not taken any steps. Hence, the petitioner filed the present writ petition.

3.Learned counsel for the petitioner would submit that the writ petition was filed to take immediate enforcement action to stop the functioning of the Telecommunication Tower and remove the Plot Nos. 119 & 120, Sri



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Mahalakshmi Nagar, Noombal, Chennai - 600 077, (Lay out approved by

MMDA in PPD/Lo. 136/87). In this regard, the petitioner also gave a representation dated 17.06.2015 to the 2nd respondent. The above said representation has not considered by the 2nd respondent till date.

4. Learned counsel for the 3rd respondent filed a counter affidavit.

5. Learned Standing counsel appearing for the 2nd respondent submitted that the above said representation of the petitioner will be considered on merits and in accordance with law within a time frame that may be stipulated by this Court.

6. Heard both sides and perused the materials available on record.

7. In view of the above submissions made by the learned counsel on either side, the 2nd respondent is directed to consider the representation of the petitioner dated 17.06.2015 by giving due notice that the petitioner as well as the 4th respondent for personal hearing on merits, in accordance with law



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and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

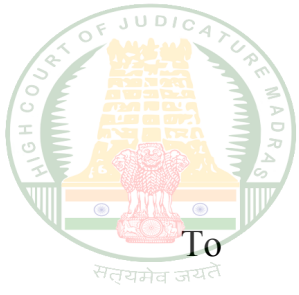
8.In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order



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To

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