



W.P.No.31781 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.31781 of 2018
and WMP.No.37012 of 2018

Jeenath Jezima

... Petitioner

vs.

- 1.The Government of Tamil nadu,
Rep.by Secretary,
Information Department,
Fort St.George, Chennai.
2. The Secretary to Government,
Municipal Administration Department,
Fort St.George, Chennai.
3. The Commissioner,
Greater Chennai Corporation,
Rippon Building, Chennai.
4. Reliance Jio Infocomm Ltd.,
Rep.by its Director,
3rd Floor, B Wing, Fortune Building,
Bharat Nagar, Bandra – Kurla Complex,
Mumbai 400 051.
5. Reliance Jio Information Ltd.,
Rep.by its Director,
120/141, Greams Road,
Near Prestige Palladium Bayan,
Thousand Lights, Chennai 600 006.

.. Respondents



W.P.No.31781 of 2018

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus forbearing the respondents 1 to 3 from permitting the respondents 4 and 5 from any manner erecting mobile tower at Old Door No.5, New No.9, Motilal Street, T.Nagar, Chennai-17, now bearing Old Door No.48, New No.22, in T.S.No.7493, R.S.No.144/1.

For Petitioner : M/s.N.A.Nissar Ahmed

For R1 & R2 : Mr.N.Naveen Kumar
Govt.Advocate

For R3 : M/s.P.T.Ramadevi
Standing Counsel

For R4 & R5 : Mr.N.R.Anantha Rama Krishnan

ORDER

The present writ petition has been filed to forbear the respondents 1 to 3 from permitting the respondents 4 and 5 from any manner erecting mobile tower at Old Door No.5, New No.9, Motilal Street, T.Nagar, Chennai-17, now bearing Old Door No.48, New No.22, in T.S.No.7493, R.S.No.144/1.

2. It is the case of the petitioner that the property belongs to the petitioner and others by virtue of Sale Deed dated 07.11.1969 bearing Doc.No.1595/1969. Thereafter, the petitioner and his sister filed a suit in C.s.no.814/2010 before this Court for partition and the same is pending .



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The respondents 4 and 5 are trying to erect cell phone tower and attempting to put up construction of basement for installing cell phone tower.

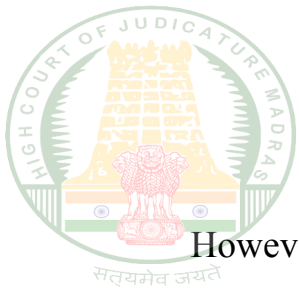
Therefore, the petitioner issued a legal notice dated 14.07.2018 to the respondents 4 and 5 and also made a representation to the respondents 1 to 3 in this regard calling upon them not to erect cell phone tower in the above property. Further, the respondents 4 and 5 have commenced installation work without prior obtaining prior permission from the concerned authorities. But the respondents 1 to 3 have not taken any steps so far. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the 5th respondent submitted that the cell phone tower has already erected and installed on 07.08.2018 and commenced the operation/functioning on 10.12.2018. Therefore, this writ petition has become infructuous.

4. In view of the above, nothing survives in this writ petition for further adjudication. Hence, this writ petition is dismissed as infructuous.

J.SATHYA NARAYANA PRASAD,J.

kkd



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However, liberty is given to the petitioner to challenge the permission granted by the third respondent Corporation in the manner known to law.

07.03.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

- 1.The Secretary,
Information Department,
Fort St.George, Chennai.
2. The Secretary to Government,
Municipal Administration Department,
Fort St.George, Chennai.
3. The Commissioner,
Greater Chennai Corporation,
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