



W.P.(MD) No.17300 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2023

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THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P(MD) No.17300 of 2023

M/s.Indus Towers Limited,
No.5 (NP), Espee, IT Park,
V. Floor, Jawaharlal Nehru Road,
Ekkatuthangal,
Chennai 600 097,
represented by its Asst. Legal Manager,
S.Prasanna

... Petitioner

Vs.

- 1.The District Collector,
Madurai District.
- 2.The Superintendent of Police,
O/o. the Superintendent of Police,
Madurai District.
- 3.The Inspector of Police,
Law and Order,
Thirumangalam Police Station,
Madurai District.
- 4.The Inspector of Police,
Law and Order,



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Thoppur Police Station,
Madurai District.

5.The Inspector of Police,
Law and Order,
Samayanallur Police Station,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the 1st respondent to grant permission to the petitioner by considering the petitioner's application dated 30.05.2022 for the premises comprised in T.S.No. 29/2, Plot No. 2, Angaleshwari Nagar, Virudhunagar Road, Thirumanglam, Madurai 625 706, measuring 800 sq.ft and the application dated 30.05.2022 for the premises comprised in S.No.39, LIG II, Plot No. 1937, TNHB Colony, Thoppur, Madurai District measuring 1000 sq.ft and the application dated 30.05.2022 for the premises comprised in S.No. 248/6B, in Patta No.553, Present Patta No. 256, Paravai Village, Bit II, Madurai North Taluk, Madurai District measuring 1.11 cent out of 10 cents of land for the mobile phone tower erection and operation work of the petitioner in the light of the order passed by this Court in W.P.No.12971 of 2020 and consequently direct the respondents 2 to 5 to provide necessary police protection to the petitioner for their mobile phone tower erection and operation work in the said premises.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.SS.Madhavan
Government Advocate (Crl. Side)



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ORDER

This Writ Petition has been filed seeking for a direction to the respondents Police to provide effective police protection to the petitioner Company and its officers while erecting the transmission cell phone tower in the petition mentioned property.

2.It is submitted by the learned counsel appearing for the petitioner Company that the petitioner Company is registered under the Companies Act, 1956 and is doing the business of telecom services, more particularly, maintenance of mobile towers. The petitioner is stated to have entered into a lease agreement with one Anitha V.Paulraj, S.Chellapandi and Botharaj on 20.02.2023, 03.03.2023 and 15.03.2023 in respect of the petition mentioned property for laying down the towers after obtaining appropriate approval from SACFA by paying necessary fees.



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3. It is submitted by the learned counsel appearing for the petitioner that the petitioner Company has already obtained permission from the State Government for erection and installation of mobile towers. The petitioner Company has also filed the copies of the documents in G.O.Ms.No.302, Housing and Urban Department, dated 12.12.2012 and G.O.Ms.No.177, Municipal Administration and Water Supply Department, dated 17.12.2002 and other connected documents. The petitioner Company is stated to have come into possession of piece of land as per the agreement with the said Anitha V.Paulraj, S.Chellapandi and Botharaj. While so, some unknown persons prevented the petitioner Company from performing their duties in erecting the mobile towers. Hence, the petitioner Company has made a complaint to the Police by a registered post on 25.04.2023 to provide police protection.

4. The learned counsel appearing for the petitioner Company has taken this Court into the order passed by this Court in W.P(MD).No.18422 of 2023 on 21.06.2023, wherein, police protection was given to the petitioner therein for erection of cell phone tower. The petitioner has also filed a copy of the order



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passed in W.P(MD).No.28272 of 2022 dated 03.02.2023 of this Bench, wherein, this Court has directed the Police to provide police protection to the petitioner therein for erection of cell phone tower.

5.The learned Government Advocate (criminal side) appearing for the respondents Police submits that if the petitioner company has followed all the required procedure, police would provide protection as sought for.

6.There is no record as to why the persons have been raising objections for installation of cell phone towers. There is no scientific data available that the telephone tower will emanate some waves which are health hazardous to people of that area. Cell towers are being installed every where not only in this country but also in other countries as well, if at all in any corner of this globe if any research is found that erection of cell towers cause health hazard, then it can certainly considered. But there is no such data. The persons who have been raising objections must also be using the mobile phones and enjoying the revolution in the field of Telecommunication.



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7. Considering the same, this Writ Petition is disposed of directing the officers of the respondents police to provide suitable protection to the petitioner company while erecting the cell phone transmission towers. There shall be no order as to costs. There shall be no order as to costs.

31.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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DR.D.NAGARJUN,J

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