

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 1866 of 2013 (G)

PETITIONER(S):

**INDUS TOWERS LTD.,
CIRCLE OFFICE AT VANKARATH TOWERS, 8TH FLOOR, NH-47,
PALARIVATTOM, KOCHI-24, REPRESENTED BY ITS HEAD-LEGAL,
PREMAKRISHNAN NAIR.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENT(S):

- 1. THE SI OF POLICE,
CHAVARA, KOLLAM DISTRICT-691 501.**
- 2. THE C.I. OF POLICE,
CHAVARA, KOLLAM DISTRICT-691 501.**
- 3. THE DEPUTY SUPERINTENDENT OF POLICE,
KARUNAGAPPALLY, KOLLAM DISTRICT-691 501.**
- 4. THE DISTRICT POLICE CHIEF,
KOLLAM (RURAL), KOTTARAKKARA, KOLLAM DISTRICT-691 501.**
- 5. PANMANA GRAMA PANCHAYAT,
PANCHAYAT OFFICE, EDAPALLYCOTTA P.O.,
KOLLAM DISTRICT-691 583,
REPRESENTED BY ITS SECRETARY.**
- 6. PRASANNAN,
S/O. VASUVA PANICKER, VELUPURATHU, PANMANA P.O.
CHAVARA, KOLLAM DISTRICT-691 583.**
- 7. SADASIVAN,
S/O. NEELAKANDAN, VELUPURATHUTHEKKETHIL, PANMANA P.O.,
CHAVARA, KOLLAM DISTRICT-691 583.**

PJ

....2/-

WP(C).No. 1866 of 2013 (G)

8. ASOKAN

**S/O. GOPALAKRISHNAN, VELUPURATHUTHEKKETHIL,
PANMANA P.O., CHAVARA, KOLLAM DISTRICT-691 583.**

9. PRIYA,

**W/O. BABU, VELUPURATHUTHEKKETHIL, PANMANA P.O.
CHAVARA, KOLLAM DISTRICT-691 583.**

10. JAMEELA,

**W/O. SALEEM, VELUPURATHUTHEKKETHIL, PANMANA P.O.
CHAVARA, KOLLAM DISTRICT-691 583.**

11. JAGADAMMA

**W/O. BABU, VELUPURATHUTHEKKETHIL, PANMANA P.O.
CHAVARA, KOLLAM DISTRICT-691 583.**

12. A.SHAJAHAN,

**KALPAKASSERIL, MULLASSERRY, PANMANA P.O.,
KOLLAM DISTRICT-691 583.**

13. STATE OF KERALA,

**REPRESENTED BY ITS CHIEF SECRETARY,
KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

14. UNION OF INDIA,

**REPRESENTED BY ITS SECRETARY,
MINISTRY OF COMMUNICATIONS AND IT,
DEPARTMENT OF TELE COMMUNICATIONS, SANCHAR BHAVAN, 20,
ASHOKA ROAD, NEW DELHI-110 001.**

R1-4 & 13 BY SENIOR GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR

R5 BY ADVS. SRI.V.G.ARUN

SRI.T.R.HARIKUMAR

R6 TO 11 BY ADV. SRI.J.OM PRAKASH

R14 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S) EXHIBITS

- P1 : COPY OF THE CERTIFICATE OF INCORPORATION ISSUED BY THE ASSISTANT REGISTRAR OF COMPANIES, NATIONAL CAPITAL TERRITORY OF DELHI AND HARYANA.**
- P2 : COPY OF THE CERTIFICATE FOR COMMENCEMENT OF BUSINESS ISSUED BY THE ASSISTANT REGISTRAR OF COMPANIES, NATIONAL CAPITAL TERRITORY OF DELHI AND HARYANA.**
- P3 : COPY OF THE REGISTRATION CERTIFICATE NO.177/2008 DTD.10.1.2008 ISSUED BY THE MINISTRY OF COMMUNICATIONS & IT, DEPARTMENT OF THIRUVANANTHAPURAM.**
- P4 : COPY OF THE FRESH CERTIFICATE OF INCORPORATION CONSEQUENT UPON CHANGE OF NAME ISSUED BY THE DEPUTY REGISTRAR OF COMPANIES, NATIONAL CAPITAL TERRITORY OF DELHI AND HARYANA.**
- P4(a): TYPED COPY OF EXT.P4.**
- P5 : COPY OF THE COMMUNICATION SEND BY THE DIRECTOR (CS-III) OF THE MINISTRY OF COMMUNICATIONS & IT, DEPARTMENT OF TELECOMMUNICATIONS, NEW DELHI.**
- P6 : COPY OF BUILDING PERMIT NO.P2/5872/12 DTD.11.12.2012 ISSUED BY THE 4TH RESPONDENT.**
- P7 : COPY OF THE REPRESENTATION DTD.12.1.2013 SEND BY THE PETITIONER TO THE 1ST RESPONDENT.**

RESPONDENTS' EXHIBITS

- R6(A): COPY OF THE MEMORANDUM OF APPEAL NO.117/13 DATED 31/1/13**
- R6(B): COPY OF THE ORDER IN IA.193/13 IN APPEAL NO.117/13 DATED 2/2/13**

/ TRUE COPY /

P.S. TO JUDGE

PJ

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.1866 of 2013

Dated this the 27th day of November 2015

J U D G M E N T

Shaffique, J.

This writ petition has been filed by the petitioner seeking for police protection in the matter relating to construction of a mobile telecommunication tower. It is submitted by the learned counsel for the petitioner that construction of the telecommunication tower has not been completed so far.

2. We have already decided the issue in the judgment in **Indus Towers Ltd. v. Sub Inspector of Police** [2014 (4) KLT 306]. As per the said judgment, the matter has to be considered by the District Telecom Committee.

Hence, reserving the right of the petitioner to approach the District Telecom Committee for appropriate relief, this writ petition is disposed of. If any such application is received, it is for the said authority to consider the same and pass appropriate orders, in accordance with law.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**