

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 28641 of 2013 (E)

PETITIONER:

**M/S. ATC TELECOM TOWER CORPORATION PVT. LTD.
FORMERLY KNOWN AS ESSAR TELECOM INFRASTRUCTURE (P) LTD.
36/2624, FIRST FLOOR, CHERAMANGALATH HOUSE
SHENOY ROAD, COCHIN-682017
REPRESENTED BY ITS DEPUTY MANAGER (LEGAL)
MR. BABU PATTATHANAM.**

**BY ADVS.SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
SRI.ARUN THOMAS
SRI.JENNIS STEPHEN**

RESPONDENT(S):

- 1. THE CIRCLE INSPECTOR OF POLICE
PANDALAM POLICE STATION, PATHANAMTHITTA-689501.**
- 2. THE SUB INSPECTOR OF POLICE
PANDALAM, PATHANAMTHITTA-689501.**
- 3. T.G. ANILKUMAR
PARAPALLY KANDATHIL HOUSE, MANGARAM, PANDALAM.P.O.
PATHANAMTHITTA-689501.**
- 4. JALEEL
ANUPAM QUARTERS, MANGARAM, PANDALAM.P.O.
PATHANAMTHITTA-689501.**
- 5. MANSOOR
MADATHIL VILLA, MANGARAM, PANDALAM.P.O.
PATHANAMTHITTA-689501.**
- 6. PANTHALAM GRAMA PANCHAYAT
PANDALAM.P.O.
PATHANAMTHITTA-689501. REPRESENTED BY ITS SECRETARY.**

**R1-R2 BY STATE ATTORNEY SRI. P.VIJAYARAGHAVAN
R3,R4,R5 BY ADV. SMT.G.VIDYA
R6 BY ADV. SRI.K.R.RADHAKRISHNAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. PHOTOCOPY OF THE BUILDING PERMIT ISSUED BY THE 6TH RESPONDENT DATED 13-8-2013 IN FAVOUR OF THE PETITIONER.
- P2. PHOTOCOPY OF THE COMPLAINT DATED 26-9-2013 SUBMITTED BY THE PETITIONER BEFORE THE POLICE AUTHORITIES.
- P3. PHOTOCOPY OF THE RECEIPT EVIDENCING EXT.P2 COMPLAINT HAS BEEN RECEIVED BY THE FIRST RESPONDENT FROM THE PETITIONER.
- P4. PHOTOCOPY OF THE STOP MEMO DATED 26-9-2013 ISSUED BY THE 6TH RESPONDENT TO THE PETITIONER.
- P5. PHOTOCOPY OF THE INTERIM ORDER DATED 7-11-2013 IN APPEAL NO. 1039/2013 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS, THIRUVANANTHAPURAM.
- P6. PHOTOCOPY OF THE ORDER IN APPEAL NO.1039/2013 DATED 26.08.2014 OF THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS.
- P7. PHOTOCOPY OF THE REVISED BUILDING PERMIT ISSUED BY THE RESPONDENT PANCHAYAT.
- P8. PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 12.01.2015 BEFORE THE 1ST AND 2ND RESPONDENTS.

RESPONDENT(S)' EXHIBITS

- R3(A) TRUE COPY OF THE REPORT THE 1ST REPORT OF ASSISTANT ENGINEER, LSGD, DATED 26.09.2013
- R3(B) TRUE COPY OF THE REPORT THE 2ND REPORT OF ASSISTANT ENGINEER, LSGD, DATED 23.11.2013
- R3(C) TRUE COPY OF THE GUIDE LINES ISSUED BY THE DEPARTMENT OF TELECOMMUNICATIONS

//TRUE COPY//

P.A. TO JUDGE

JJJ

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

W.P.(C) No. 28641 of 2013

Dated this the 5th day of February, 2015

J U D G M E N T

A.M. Shaffique, J.

The petitioner has approached this Court seeking police protection to the petitioner's workers for construction of a telecommunication tower.

2. It is *inter alia* alleged that party respondents 3 to 5 are obstructing the work. In fact, this Court had considered a similar matter in **Indus Towers Ltd. v. Sub Inspector of Police - 2014 (4) KLT 306** and opined that the parties shall approach the District Telecom Committee for the purpose of adjudicating such issues. In the light of the said judgment of this Court, we do not think that a further direction is required to be passed in the above case. The petitioner is free to approach the said authority.

3. Learned senior counsel appearing for respondents 3 to 5 submits that against the order passed by the Tribunal for Local Self Government Institutions, Thiruvananthapuram, in Appeal No.1039 of 2013 directing the local authority to regularise the construction made by the appellant, they have already filed a Writ Petition as W.P. (C) No.1846/2015. An interim order had been granted in that case. The contentions, as far as respondents 3 to 5 are concerned, are left open to be decided by the appropriate forum.

With the above observation, the Writ Petition is closed.

Sd/-
ASHOK BHUSHAN,
ACTING CHIEF JUSTICE.

Sd/-
A.M. SHAFFIQUE,
JUDGE.