

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 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No. 31657 of 2015 (F)

PETITIONER(S):

INDUS TOWERS LIMITED, VANKARATH TOWER, 8TH FLOOR,
N.H.BYPASS, PALARIVATTOM, KOCHI-24
REPRESENTED BY ITS DULY AUTHORIZED REPRESENTATIVE
PREMAKRISHNAN NAIR.M.N., HEAD LEGAL.

BY ADV. SRI.P.SATHISAN

RESPONDENT(S):

1. THE SUPERINTENDENT OF POLICE, THIRUVANANTHAPURAM.
2. THE STATION HOUSE OFFICER, KARAMANA POLICE STATION,
THIRUVANANTHAPURAM.
3. THIRUVANANTHAPURAM CORPORATION REPRESENTED BY TIS SECRETARY,
THIRUVANANTHAPURAM.
4. SEYYAD BACKER, S/O.M.ABHU BACKER, HOUSE NO.20/1146,
OLIPPANCHAL PURAYIDAM KUNCHALUMOODU, KARAMANA
PIN-695 002
5. SHABEER.A., S/O.AHAMMAD KABHEER, HOUSE NO.20/1453,
SHABEER MANZIL, KUNCHALUMOODU, KARAMANA
PIN-695 002.
6. SHAFEEK KHAN, S/O.PEERUMOHAMMED, HOUSE NO.20/1452,
OLIPPANCHAL PURAYIDAM, KUNCHALUMOODU, KARAMANA
PIN-695 002.
7. DEPUTY DIRECTOR GENERAL,
TELECOM ENFORCEMENT AND RRESOURCES MONITORING CELL,
GANDHI NAGAR, COCHIN.
8. SECRETARY, DEPARTMENT OF HOME AFFAIRS, SECRETARIAT,
THIRUVANANTHAPURAM.

R7 BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R1, 2 & 8 BY STATE ATTORNEY SRI. P. VIJAYARAGHAVAN
R3 BY SRI.P.K.MANOJKUMAR,SC,TVPM CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 31657 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE REGISTRATION CERTIFICATE FOR INFRASTRUCTURE PROVIDER CATEGORY-1(IP-I).

EXT.P2: TRUE COPY OF RELEVANT NOTIFICATION CONFERRING THE STATUS OF TELEGRAPH AUTHORITY ON THE PETITIONERS.

EXT.P3: TRUE COPY OF THE BUILDING PERMIT DATED.

EXT.P4: TRUE COPY OF THE FREQUENCY ALLOCATION CERTIFICATE ISSUED BY SACFA.

EXT.P5: TRUE COPY OF THE RECEIPT DATED 25.7.15.

EXT.P6: TRUE COPY OF THE ELECTRICITY BILL DATED 4.9.2015.

EXT.P7: TRUE COPY OF THE GUIDELINES ISSUED BY GOVERNMENT OF INDIA DATED 10.12.2010 REGARDING RADIATION NORMS ON EMF EXPOSURE OF BTS.

EXT.P8: TRUE COPY OF THE GUIDELINES ISSUED BY GOVERNMENT OF INDIA DATED 11.10.2012 REGARDING RADIATION NORMS AND IMPOSITION OF PENALTY IN CASE OF VIOLATION OF TERMS AND CONDITIONS OF LICENSE.

EXT.P9: COPY OF THE CIRCULAR ISSUED BY DEPARTMENT OF TELECOM TO REDUCE THE POWER DENSITY OF EMISSIONS FROM THE TOWER TO 1/10TH WITH EFFECT FROM 1.9.2012.

EXT.P10: TRUE COPY OF THE COMPALINT SUBMITTED 2ND RESPONDENT DATED 21.09.2015 WITH TRANSLATION.

EXT.P10(A): TRUE COPY OF THE ACKNOWLEDGMENT TO EXHIBIT P10 COMPLAINT.

RESPONDENT(S)' EXHIBITS

NIL

// True Copy //

P.A. To Judge

sou.

ASHOK BHUSHAN, CJ & A.M.SHAFFIQUE, J

W.P(C). No. 31657 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

Shaffique, J

The petitioner has approached this Court seeking police protection for the purpose of maintenance of telecommunication tower covered by Exhibit P4 certificate, situated in survey No.2056/1-3, 16-1, 5-15 in ward No.48 in Thirumala Village, Thiruvananthapuram Corporation.

2, It is submitted by the petitioner that it is an already existing site. What they intend to do is maintenance, which is being obstructed by the people in the locality.

3. Apparently the issues relating to telecommunication tower and obstruction being caused by private persons, the matter should be taken before the Committee constituted by virtue of the notification issued by the Government at the District level namely the District Telecom Committee, which authority can consider any issue regarding any obstruction

being caused to the construction as well as continuance and maintenance of the telecommunication tower. Under such circumstances, we dispose of the writ petition permitting the petitioner to approach the District Telecommunication committee. The said authority may consider the same and pass orders as expeditiously as possible.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M.SHAFFIQUE,
JUDGE

SOU.