

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

WP(C).No. 34080 of 2015 (H)

PETITIONERS/PETITIONERS:

- 1.SITARAMSON INDUSTRIES (P) LTD. AGED 57 YEARS
SITARAM IYER ROAD, PADAVARAD, OLLUR
THRISSUR, REPRESENTED BY ITS MANAGING DIRECTOR,
T.S.HARIKRISHNAN, S/O. LATE K.SITARAM IYER.
- 2.T.S.HARIKRISHNAN AGED 57 YEARS
S/O. K.SITARAM IYER, CHIEF EXECUTIVE OFFICER
JAYALAKSHMI ENTERPRISES, (PROPRIETARY ENTERPRISE)

BY ADV. SMT.P.R.REENA

RESPONDENTS/RESPONDENTS:

1. CIRCLE INSPECTOR OF POLICE
OLLUR POLICE STATION, OLLUR, THRISSUR DISTRICT
PIN-680306.
2. PUTHUR GRAMAPANCHAYATH
REPRESENTED BY ITS SECRETARY, PUTHUR, THRISSUR
PIN-680014.
3. RELIANCE JIOINFOCOMM LTD.
PERINCHERY BUILDINGS, ROUND NORTH, THRISSUR
PIN-680001, REPRESENTED BY BRANCH MANAGER, SRI. BIJOY.
4. KOCHANTHONY
SITARAM IYER ROAD, PADAVARAD, OLLUR
THRISSUR.
5. BABU
SITARAM IYER ROAD, PADAVARAD, OLLUR
THRISSUR.
6. DISTRICT TELECOM AUTHORITY
REPRESENTED BY ITS CHAIRMAN, DISTRICT COLLECTOR
COLLECTORATE, THRISSUR, PIN-680003.

ADDL.R7. K.M.THOMAS, S/O.MATHEW, AGE 49 YEARS,
RESIDING AT KALIYANKARA HOUSE,
P.O.KUTTANELLOOR, ELAMTHURUTHY,
THRISSUR, CONVINOR,
JANAKEEYA SAMARA SAMITHY PADAVARADU - 680 001.

ADDL.R7 IMPEADED AS PER ORDER DATED 3.12.2015 IN I.A.NO.16781/2015.

R4 &R5 ADDL BY ADV. SRI.T.RAJASEKHARAN NAIR
R2 BY ADV. SRI.M.PREMCHAND
R3 BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
R3 BY ADV. SRI.P.GOPINATH
R3 BY ADV. SRI.P.BENNY THOMAS
R3 BY ADV. SRI.K.JOHN MATHAI
R3 BY ADV. SRI.JOSON MANAVALAN
R3 BY ADV. SRI.KURRYAN THOMAS
R1 & 6 BY STATE ATTORNEY SRI.VIJARAGHAVAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF PROCEEDINGS DTD 20/10/2015 OF PUTHUR
GRAMAPANCHAYATH WITH ENGLISH TRANSLATION.
- P2:- TRUE COPY OF NEWSPAPER REPORT IN MALAYALA MANORAMA DAILY ON
31/10/2015 WITH ENGLISH TRANSLATION
- P3:- TRUE COPY OF LETTER DTD 23/10/2015 ISSUED BY THE 1ST PETITIONER TO
THE HEAD OF THE 3RD RESPONDENTS THRISSUR BRANCH
- P4:- TRUE COPY OF THE LETTER DTD 28/10/2015 TO THE SECRETARY OF THE
PANCHAYATH
- P5:- TRUE COPY OF THE LETTER DTD 31/10/2015 ISSUED TO THE DISTRICT
COLLECTOR
- P6:- TRUE COPY OF THE COMPLAINT DTD 29/10/2015 TO THE 1ST RESPONDENT
- P7:- TRUE COPY OF THE COMPLAINT DTD 4/11/2015 TO THE 1ST RESPONDENT
- P8:- TRUE COPY OF THE DTD 23/10/2015 WITH THE ENDORSEMENT OF 3RD
RESPONDENT

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

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W.P.(C).No.34080 of 2015,
I.A.Nos.17064 & 17065 of 2015

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Dated this the 3rd day of December, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

1.This writ petition is filed by a private limited company and another complaining about the physical obstruction and threat to life by respondents 4 and 5.

2.Heard learned counsel on both sides.

3.On 11.11.2015, the following order was issued:-

“Admitted. Issue notice through special messenger to respondents 1 to 5.

Post on 16.11.2015.

Learned Government Pleader will obtain instruction from the District Collector who is the Chairman of the District Telecom Authority about the allegation that the telecommunication tower of the third respondent has been installed in the premises of the petitioners without their consent. In the meanwhile, the first

respondent will ensure that appropriate protection is extended to the life and property of the petitioners, having regard to the facts and circumstances on ground. It is clarified that it is not a direction to extend police protection to run the establishments of the petitioners 1 and 2.”

Following that, on 17.11.2015, an order was issued as follows:-

“Learned counsel appearing for the 4th and 5th respondents submits that his clients do not obstruct the activities of the petitioners or their industrial unit. This submission is recorded.

Handover a copy of the order dated 11.11.2015 to the learned Government Pleader.

Post on 19.11.2015 for the learned Government Pleader to get instructions in terms of that order.”

4. In terms of the aforesaid, respondents 4 and 5 had submitted that they do not obstruct the activities of the petitioners and their industrial units. All that remains now is the requirement to have the dispute resolved in relation to the installation of the equipments of the third respondent. On 23.11.2015, the learned Senior Counsel had submitted that such issue is pending before the District Telecom Committee and is likely to be considered by that Committee tomorrow.

5. Under the aforesaid circumstances, this writ petition and captioned interlocutory applications are ordered directing that the District Telecom Committee, Thrissur will consider the objections raised against the installation of the equipment of the third respondent in the property belonging to the petitioners. Such decision shall be taken after hearing the third respondent, any other objector, the local Grama Panchayat, as also the petitioners who assert that they had not given consent to the third respondent to place its equipment in lands belonging to the petitioners. Subject to that, the police will afford adequate protection to the petitioners and their establishment in terms of the undertaking recorded on 17.11.2015 to the effect that respondents 4 and 5 do not obstruct the activities of the petitioners or their industrial unit. Any operation of the installation of the equipment of the third respondent in the property belonging to the petitioners will be only in terms of any direction that may be issued by the District Telecom Committee, after hearing the objectors in terms of what is stated.

6. We also record that though the petitioners have impleaded 'District Telecom Authority' as the sixth respondent, the learned State Attorney submits that the description of the said entity is 'District Telecom Committee'.

The directions issued hereinabove shall be obeyed accordingly.

This writ petition ordered accordingly.

sd/-

Thottathil B.Radhakrishnan, Judge

sd/-

Anu Sivaraman, Judge