

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.25765 of 2015

M.Ealumalai

... Petitioner

Vs.

1.The Inspector of Police,
S-14, Peerkangaranai Police Station,
Peerkangaranai, Chennai.

2.The Commissioner of Police,
Veppery, Chennai.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents to consider the petitioner representation letter dated 09.10.2015 and further to direct the respondents to give adequate police protection to the petitioner land for making cell phone tower from unknown rowdy elements and protect the law and order problem in accordance with law.

For Petitioner : Mr.Ramajayam

For Respondents : Mr.C.Emalias,
Addl. Public prosecutor.

ORDER

This Criminal Original Petition has been filed by the petitioner seeking for a direction to the respondent to consider the petitioner's representation dated 09.10.2015, for giving adequate police protection to the petitioner, for erecting cell phone tower in his land.

2.In the affidavit filed in support of the petition, it has been stated by the petitioner that he is owning land at Survey No.183/1 measuring 861 sq.ft, in Peerkangaranai Village, Velu

Nagar, New Perungalathur. On 12.08.2015, a lease agreement was entered into between the petitioner and one M/s.Indus Towers Ltd, for erecting cell phone tower on the petitioner's land. After entering into the said lease agreement, the said company started work to erect cell phone tower on the petitioner's land. While so, few local rowdy elements came to the petitioner's land and demanded Rs.10 lakhs from the petitioner as well as the said company, as commission for erecting cell phone tower and they stopped the work. Hence, the petitioner lodged a complaint with the 1st respondent-Police and the Police also warned the rowdy elements. It is the grievance of the petitioner that the rowdy elements are creating problem in erecting the cell phone tower on the petitioner's land; hence, he has given a representation, dated 09.10.2015, to the respondents-Police seeking police protection for erecting the cell phone tower on the petitioner's land. Since the petitioner's representation was not considered by the respondents-Police, the petitioner has come forward with the present petition.

3.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

4.The learned Additional Public Prosecutor submitted that on receipt of the complaint of the petitioner, the respondents-Police conducted enquiry and after enquiry, the complaint was closed by the respondents-Police.

5.However, the learned counsel for the petitioner submitted that the petitioner is going to erect cell phone tower on his own land and that since the rowdy elements are creating problem, a direction may be given to the respondents-Police to give adequate police protection to the petitioner for erecting cell phone tower.

6.Considering the facts and circumstances of the case and the submissions made on either side, this Court is inclined to pass the following order—

The petitioner is directed to given a fresh representation to the 2nd respondent, along with a copy of this order, seeking police protection, within a week from the date of receipt of a copy of this order. On receipt of such representation, the 2nd respondent is directed to pass appropriate order, after affording opportunity to all the necessary parties, with regard to providing police protection to the petitioner for erecting cell phone tower on his land, in accordance with law, within a

period of two weeks thereafter.

With the above terms, the criminal original petition is disposed of.

Sd/-
Assistant Registrar (CO)

True Copy

Sub Assistant Registrar

To,

1.The Inspector of Police,
S-14, Peerkangaranai Police Station,
Peerkangaranai, Chennai.

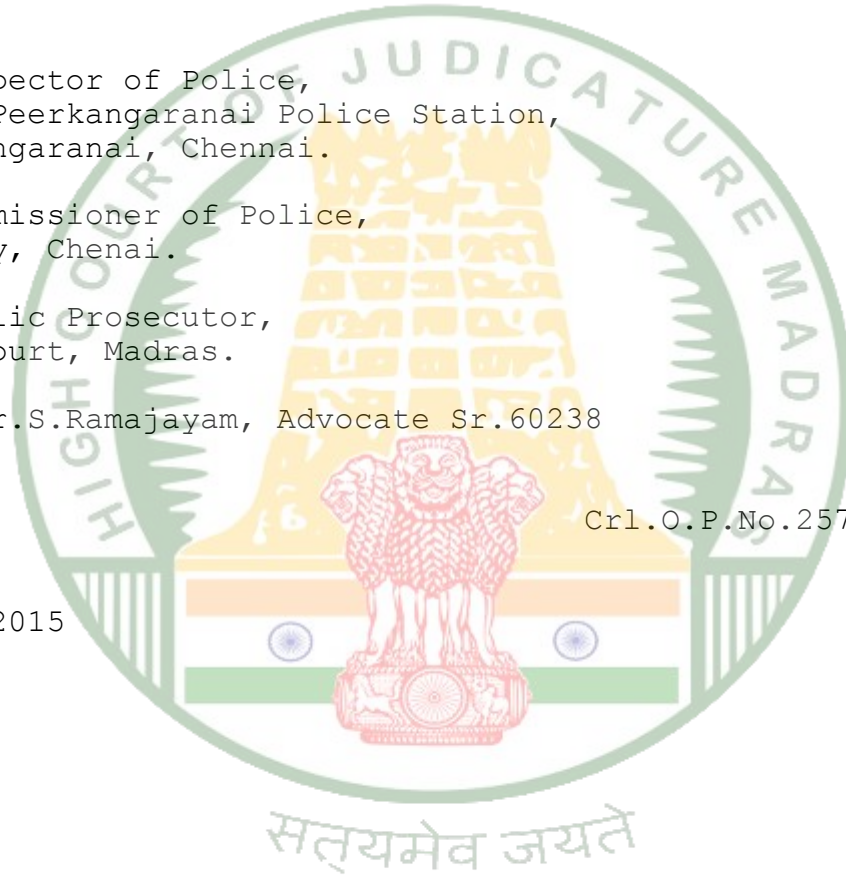
2.The Commissioner of Police,
Veppery, Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Ramajayam, Advocate Sr.60238

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srg 4/11/2015



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