

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28019 of 2015

M/s. Indus Towers Limited,
having its circle office at 5 (NP),
ESPEE, IT Park, 5th Floor,
Jawaharlal Nehru Road,
Ekkatuthangal, Chennai - 600 097.
represented by its Assistant Legal Manager,
S.Prasanna ... Petitioner

Vs

1. The Inspector of Police,
Perambalur Town Police Station,
Perambalur.
2. The Deputy Superintendent of Police,
Perambalur, Perambalur District.
3. The Superintendent of Police,
Perambalur District. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents herein to provide effective police protection to the petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Perambalur District & Taluk in Perambalur Village in Ayan Punjay Survey No.362/3A in Acr 0.21 Cents of land, Survey No.362/3B in Acr 0.2 Cents of land, Survey No.362/4 in Acr 0.41 cents of land all total measuring Acr 0.82 Cents of land Sub divided in plots in the name of Boyas Garden in Plot Nos.23 & 24 Part measuring 2000 Sq.feet Vacant Land.

For Petitioner : Mr.K.Govindarajan
For respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking a direction to the respondents to provide effective police protection to the petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical and electronic equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at at Perambalur District & Taluk in Perambalur Village in Ayan Punjay Survey No.362/3A in Acr 0.21 Cents of land, Survey No.362/3B in Acr 0.2 Cents of land, Survey No.362/4 in Acr 0.41 cents of land all total measuring Acr 0.82 Cents of land Sub divided in plots in the name of Boyas Garden in Plot Nos.23 & 24 Part measuring 2000 Sq.feet Vacant Land.

2. The petitioner company is carrying on the business of Operation and Maintenance of Mobile phone towers across India for all the mobile phone operators/service providers. The petitioner has also obtained IP 1 category license from the Department of Telecommunications, Government of India, to provide passive infrastructure to telecom service providers. In fact, the State Government has also issued Orders in G.O.No.177 of 2002 and G.O. No.302 of 2002 for setting up the mobile phone towers, stating that the concerned companies need not require to obtain any specific permissions or NOC from any of the local bodies. In order to erect the cell phone towers, the petitioner has entered into a lease agreement with the owner of the land Mrs.A.Sahar Banu in respect of the land in at Perambalur District & Taluk in Perambalur Village in Ayan Punjay Survey No.362/3A in Acr 0.21 Cents of land, Survey No.362/3B in Acr 0.2 Cents of land, Survey No.362/4 in Acr 0.41 cents of land all total measuring Acr 0.82 Cents of land Sub divided in plots in the name of Boyas GARDEN in Plot Nos.23 & 24 Part measuring 2000 Sq.feet Vacant Land. When the officers and the workmen of the operator company came to the site on 15.10.2015 to erect mobile towers, some of the local residents gathered in the place and caused hindrance and prevented the petitioner's men from doing construction. Though, the petitioner lodged a complaint to the

respondent seeking police protection for complete erecting of mobile towers, the same was not considered by the respondent police. Hence, the petitioner has come up with the present petition.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. It appears that the petitioner is installing telecommunication tower in the leased out land which is being objected by some neighbours. Taking into consideration the nature of the allegations, the respondent police is directed to look into the nature of the petition and give police protection as sought for by the petitioner.

5. The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Inspector of Police,
Perambalur Town Police Station,
Perambalur.
2. The Deputy Superintendent of Police,
Perambalur, Perambalur District.
3. The Superintendent of Police,
Perambalur District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Govindarajan, Advocate, S.R.No.64461

CrI.O.P.No.28019 of 2015

SR(CO)
CA(16/12/2015)