

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2015

C O R A M

THE HONOURABLE MR. JUSTICE R.S. RAMANATHAN

CRL.O.P.Nos.480
and
M.P.No.1 of 2015
and
CRL.O.P.No.645 of 2015

M/s. Reliance Jio Infocomm Limited,
having its Circle office at A1 Tower, 8th Floor,
89-90, Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.
rep. By its Legal Manager,
Mr.D. Kalaimani. ...Petitioner in both CRL.OPs

Vs.

1. The Inspector of Police,
P6- Kodungaiyur Police Station, Chennai.
- 2.The Assistant Commissioner of Police,
MKB Nagar, Chennai.
3. The Commissioner of Police,
West-Chennai, Chennai. ...Respondents in CRL.OP.480/15
- 1.The Inspector of Police,
H-5, New Washermenpet Police Station, Chennai.
- 2.The Assistant Commissioner of Police,
Thiruvottiyur, Chennai.
- 3.The Commissioner of Police,
Chennai. ...Respondents in Crl.OP.645/15

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code to direct the respondents herein to provide the effective police protection to the petitioner's company to erect transmission tower at Village S.F.No.32/2, Door No.39, Plot No.80, Erukancheery Village, 1st Main Road, Thiruvallur Nagar, Erukancheery, Chennai-118 and at Plot No.112, Ashok Nagar, Tondiarpet, R.S.No.4066/Part, Tondiarpet Village, Fort - Tondiarpet Taluk, Chennai-81 respectively.

For Petitioner : M/s. K. Govindarajan

For Respondents: Mr.S. Shanmugavelayutham
Public Prosecutor assisted by
Mr. M. Maharaja
Additional Public Prosecutor

C O M M O N O R D E R

It is submitted by the learned Public Prosecutor that the villagers had given a complaint against the installation of the tower and therefore, no protection can be given as law and order problem would arise. According to me, the petitioner is entitled to erect the transmission tower at the place where they have got right to instal such tower on the basis of the lease agreement or rental agreement entered into with the owner of the property for erecting tower. The lessor cannot also withdraw his consent after entering into lease agreement with the petitioner. If the villagers or lessor have got any grievance, they have to work out their remedy through court of law and they have no right to prevent the erection of tower in the place where the petitioner has got lease agreement. Therefore, the petition is disposed of by directing the respondent/police to consider the lease agreement and other documents produced by the petitioner to establish their right to erect the tower at the relevant place and on being satisfied with the right of the petitioner, the respondents are directed to give police protection to the petitioner to erect tower in those property. If the impleading parties or the lessor have got any objection, they have to work out their right through the court of law and the respondent police cannot deny protection if the petitioner is otherwise entitled to erect the tower as per the lease agreement on the ground that law and order problem would arise.

In view of the above order passed, M.P. is closed.

Sd/-
Assistant Registrar
Dated:20.2.15

True Copy

Sub Assistant Registrar

To

1. The Inspector of Police,
P6- Kodungaiyur Police Station, Chennai.
2. The Assistant Commissioner of Police,
MKB Nagar, Chennai.
3. The Commissioner of Police,
West-Chennai, Chennai.
4. The Inspector of Police,
H-5, New Washermenpet Police Station, Chennai.

5.The Assistant Commissioner of Police,
Thiruvottiyur, Chennai.

6.The Public Prosecutor, High Court,
Chennai.

+1 cc to Public Prosecutor, SR.7439

+1 cc to K.Govindarajan, Advocate,SR.7639

+1 cc to Mr.K.Govindarajan, Advocate,SR.7640

+1 cc to Mr.D.Siman, Party in Person, SR.7341.

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and
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