

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.13791 of 2016

Indus Towers Ltd.
represented by its Project Manager
R. Vinodh Kumar
V Floor
SBIT Park
Jawaharlal Nehru Road
Ekkaduthangal, Guindy
Chennai

Petitioner

Vs.

The Inspector of Police
Viruthampattu Police Station
Vellore

Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to provide effective police protection to the petitioner's company to erect the cell phone tower and to install all the telecommunication electrical and electronics equipments and its maintenance on the said BTS transmission tower at the property comprised in S.No.13/2 having Paimash Nos.247, 248, 249, 250, 251, 252, 253 and 244, 245, 246 and 238 bearing Plot No.25 at Viruthampattu Village, Gudiyattam Taluk, Vellore District to an extent of 2,280 sq. ft.

For petitioner Mr. N. Umapathy

For respondent Mr. C. Emalias, Addl. Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking a direction to the respondent to provide effective police protection to the petitioner's company to erect the cell phone tower and to install all the telecommunication electrical and electronics equipments and its maintenance on the said BTS transmission tower at the property comprised in S.No.13/2 having Paimash Nos.247, 248, 249, 250, 251, 252, 253 and 244, 245, 246 and 238 bearing Plot No.25 at Viruthampattu Village, Gudiyattam Taluk, Vellore District to an extent of 2,280 sq. ft.

2 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

3 In a similar case, this Court has passed the following order:-

"2. The learned counsel for the petitioner would submit that the petitioner's company had the contract agreement for installation of Cell Phone tower with M/s. Indus Towers Limited, a Company registered under the provisions of Indian Companies Act, 1956. It is further submitted by the learned counsel for the petitioner that whenever the petitioner's company attempted to erect transmission cell phone tower, public is causing interference. The learned counsel for the petitioner also submitted that by order dated 05.03.2015, the Hon'ble First Bench of this Court, in W.P.Nos.24976 of 2008 and etc., batch, held that because of the advancement in the science, no one has prevented to erect cell phone towers. It is also submitted that the petitioner has given a complaint dated 24.02.2016 to the first respondent police seeking police protection, for which C.S.R.No. 42 of 2016 and since the same has not been considered so far, he has come up with the present petition for the relief stated supra.

3. Heard the learned Additional Public Prosecutor appearing for the respondent.

4. Considering the facts and circumstances of the case, the petitioner is directed to send a fresh representation to the respondent and on receipt of the same, the respondent is directed to consider the representation to be submitted by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of one week from the date of receipt of copy of this order.

5. With the above directions, this Criminal Original Petition is disposed of."

4 In the light of the above, the petitioner is directed to give a fresh representation in person to the respondent police and on receipt of the same, the respondent police is directed to consider the representation and take action in accordance with law by giving police protection, provided the petitioner produces sufficient materials in support of its claim.

With the above direction, this Criminal Original Petition is closed.

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

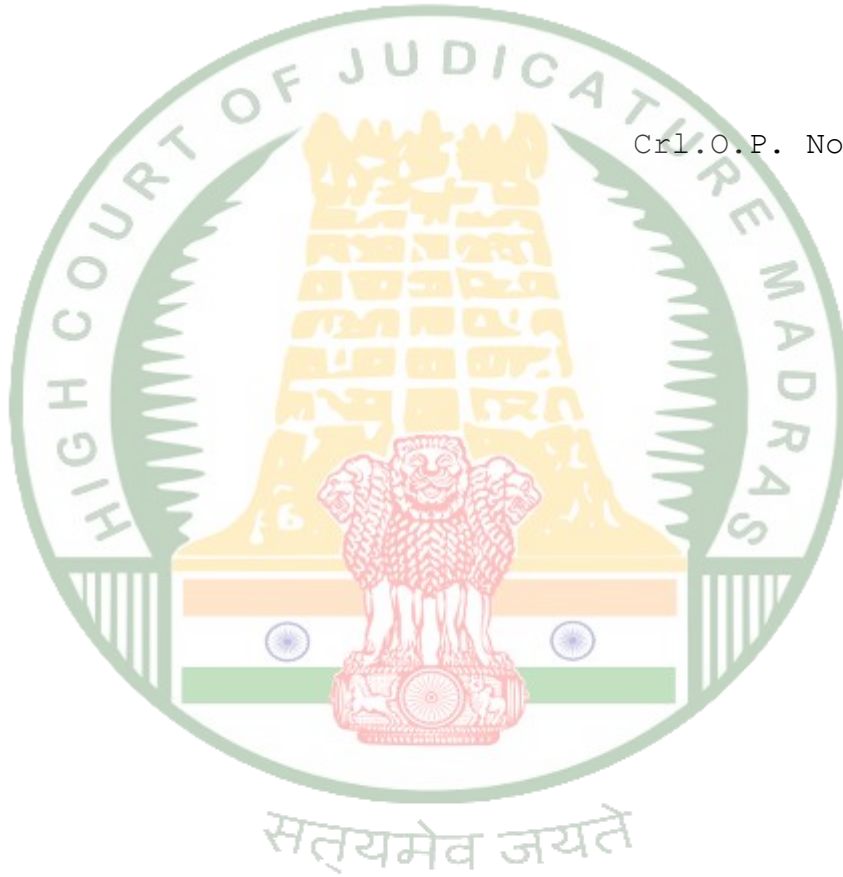
1 The Inspector of Police
Viruthampattu Police Station
Vellore

2 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1 cc to Mr.N.Umapathy, Advocate, sr.37261.

lrs(co)
krd 23/7

Crl.O.P. No.13791 of 2016



WEB COPY