

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.17822 of 2015

Tower Vision India Private Limited
Having its registered office at
C-56, NeetiBagh, New Delhi
Having Circle Head Operations (TN)
Represented by is
Mr.V.Krishna Kishore,
Ramaniyam "The Lords",
Block 1, No.1 & 2 (NP),
Jawaharlal Nehru Road,
Ekkaduthangal, Chennai - 32. Petitioner

Vs

The Inspector of Police,
D.1 Police Station,
Triplicane, Chennai - 2. Respondent

Criminal Original Petition filed under Section 482
Cr.P.C. to provide police protection to the petitioner's company
to install additional equipment/replace/upgrade the existing
equipment and to attend its regular maintenance work on the
tower situate at Old No.2, New No.3, Balamuthu Street, Ellis
Road, Chennai - 2 measuring an extent of 730 square feet.

For Petitioners : Ms.R.Poornima

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to provide police protection to the petitioner's company to install additional equipment/replace/upgrade the existing equipment and to attend its regular maintenance work on the tower situate at Old No.2, New No.3, Balamuthu Street, Ellis Road, Chennai - 2 measuring an extent of 730 square feet.

2. The petitioner is carrying out the business of providing telecommunication services and has been in the process of setting up various facilities like Microwave/Repeater/cell sites at various locations in the State of Tamilnadu. The petitioner had identified various sites in the State of TamilNadu and had entered into a Lease and License agreement with the owner of the property on payment of license fees as stipulated in the agreement. Like that, one such site is situated in Old No.2, New No.3, Balamuthu Street, Ellis Road, Chennai - 2, measuring an extent of 730 square feet which belongs to one Mr.M.Ameermasha and Mrs.B.Ramzan Beevi. A license deed was executed between the owner and the petitioner on 05.03.2009 and the period of license is for 15 years, i.e., till 19.03.2014 and the monthly license fee is Rs.15,000/- and sum of Rs.90,000/- is paid as security deposit. The rent is enhanced by 10% once in three years. The above licensors are preventing and are attempting to obstruct the employees of the petitioner for unknown reason. Hence the petitioner filed O.A.No.602 of 2013 under Section 9 of Arbitration and Conciliation Act and this Court has granted interim injunction on 16.08.2013 and thereafter, the application itself was disposed of on 25.03.2014. Despite the grant of interim injunction, the licensor are preventing the petitioner. The petitioner had invested huge sum in installing the tower in the site and it requires constant maintenance and if the same is hindered, serious hardship and prejudice will be caused. If the service provider function is disrupted, the petitioner will suffer huge loss. Hence the petitioner had lodged a complaint on 03.07.2015 for providing of police protection for proceeding with the maintenance and other allied work in the site. But no action had been initiated on the complaint of the petitioner. Hence, the petitioner has come forward with the present Criminal Original Petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that if any third party prevents the petitioner, then there will not be any problem in providing police protection. Here, the owner of the property is objecting the petitioner. Therefore, if police interferes, it will lead to further complications. Thus he sought for dismissal of the petition.

5. In view of the submission of the learned Additional Public Prosecutor and on perusal of the materials on record, I find that, already there is a dispute between the owner of the property and the petitioner. If any third party objects, this court can give a direction. Since the owner himself objects, the petitioner has to work out his remedy before the Civil Court. Hence this petition is liable to be dismissed.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Inspector of Police,
D.1 Police Station,
Triplicane, Chennai - 2.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.17822 of 2015

SK(CO)
CA(02/02/2016)