

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. No.23456 of 2016

Indus Towers Ltd.
having its Circle Office at
5 (NP) ESPEE, IT Park
V Floor, Jawaharlal Nehru Road
Ekkatuthangal
Chennai 600 097
represented by its Assistant Legal Manager
S. Prasanna

Petitioner

vs.

- 1 The Superintendent of Police
District Police Office, Namakkal District
- 2 The Deputy Superintendent of Police
Paramathivelur Sub Division
Namakkal District
- 3 The Inspector of Police
Paramathivelur Police Station
Namakkal District
- 4 The Municipal Commissioner
Namakkal Municipality
Namakkal
- 5 The District Collector
District Collector Office
Namakkal District
- 6 The Town Planning Authority
Namakkal
- 7 The Panchayat President
Pothanur Town Panchayat
Namakkal

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to direct the respondents 1 to 3 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 Namakkal District, in Pothanur Village in Survey No.77/1 land sub-divided in plot nos.2,9. The said property in Pothanur Town Panchayat Puranagar Part Limit. The said property sub division in Survey No.77/1A presently sub divided new survey no.77/1A1A limit (computerised joint patta no.1006) and also direct the 4 to 7 respondents to cooperate the 1 to 3 respondents.

For petitioner K. Govindarajan
For respondents Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking the following prayer:

"to direct the respondents 1 to 3 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 Namakkal District, in Pothanur Village in Survey No.77/1 land sub-divided in plot nos.2,9. The said property in Pothanur Town Panchayat Puranagar Part Limit. The said property sub division in Survey No.77/1A presently sub divided new survey no.77/1A1A limit (computerised joint patta no.1006) and also direct the 4 to 7 respondents to cooperate the 1 to 3 respondents."

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

3 This Court, in an identical matter in CrI.O.P. No.15569 of 2016 filed by the petitioner herein, on 10.08.2016, passed the following order:

"This Criminal Original Petition has been filed seeking a direction to respondents 1 to 3 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 Kanchipuram District, Kanchipuram Taluk, Kanchipuram Town in Chinna Kanchipuram, 1st zone bearing Door No.11 to 16, Town Survey No.1099, 1100, 1101/1 Part, 1102 Part and 1103 Part land subdivided in plots in the name of "K.M.Avenue" in Plot No.1 and also direct the 4 to 6 respondents to cooperate the 1 to 3 respondents.

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

3. On 22.07.2016, this Court has passed the following order:

"Learned Additional Public Prosecutor is directed to take notice for all the respondents including the Municipal Commissioner, Kancheepuram Municipality and the Town Planning Authority, Kancheepuram.

2. Mr.A.Sardar, M.A., Commissioner, Kancheepuram Municipality is directed to be present before this Court, to explain as to whether any license is required for erecting cell phone towers, albeit in G.O.Ms.No.302, Housing and Urban Development Department dated 12.12.2002 and the letter dated 26.03.2009 from the Secretary to the Government of Tamil Nadu, Energy Department.

3. Registry is directed to issue summons to Mr.A.Sardar, M.A., Commissioner, Kancheepuram Municipality to be present before this Court on 10.08.2016.

Post on 10.08.2016."

4. Today, Mr.S.Murali, Town Planning Officer, Kancheepuram Municipality is present.

5. The learned counsel appearing for the petitioner submitted that the Commissioner, Kancheepuram Municipality, has issued a letter dated 12.01.2016 to the petitioner stating that there is no licence required for erecting cell phone towers in view of G.O.Ms.No.302, Housing and Urban Development Department dated 12.12.2002 and the letter dated 26.03.2009 issued by the Secretary to the Government of Tamil Nadu Energy Department.

6. In view of the above, the third respondent Police is directed to look into the nature of the petition and give police protection as sought for by the petitioner.

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

Following the same, this Criminal Original Petition also is closed directing the third respondent police to look into the nature of the petition and give police protection, as sought by the petitioner.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Superintendent of Police
District Police Office, Namakkal District
- 2 The Deputy Superintendent of Police
Paramathivelur Sub Division
Namakkal District
- 3 The Inspector of Police
Paramathivelur Police Station
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- 4 The Municipal Commissioner
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5 The District Collector
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6 The Town Planning Authority
Namakkal

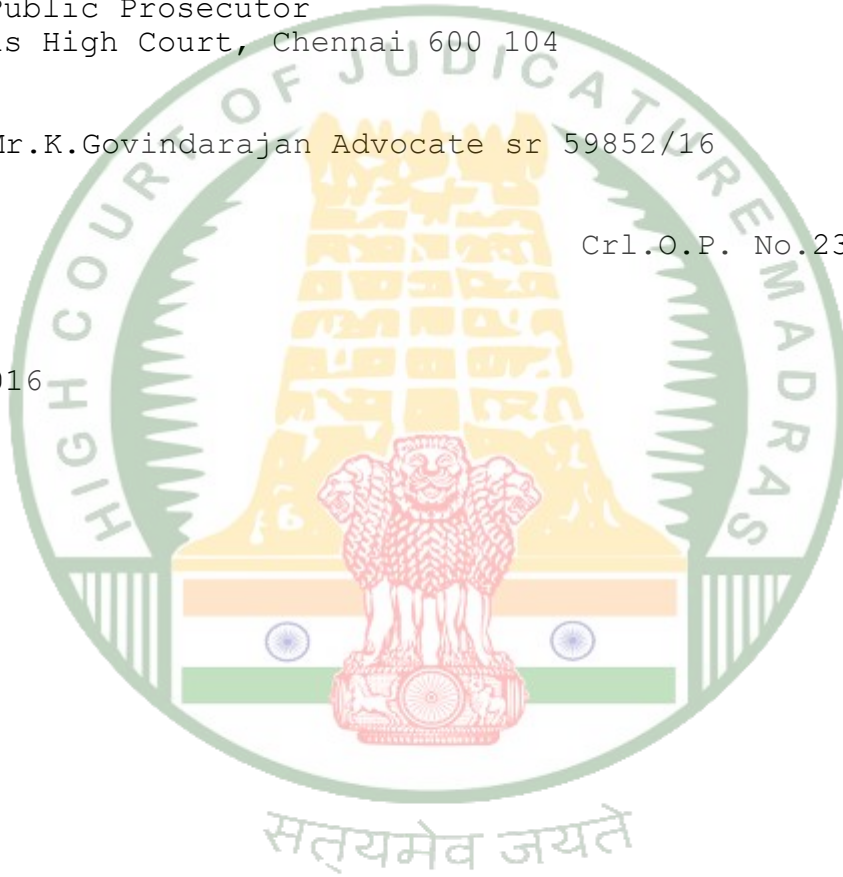
7 The Panchayat President
Pothanur Town Panchayat
Namakkal

8 The Public Prosecutor
Madras High Court, Chennai 600 104

+1 cc to Mr.K.Govindarajan Advocate sr 59852/16

Crl.O.P. No.23456 of 2016

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