

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.4304 of 2016

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 Superintendent of Police,
District Police Office,
Kanchipuram District.
2. The Deputy Superintendent of Police,
Kanchipuram,
Kanchipuram District.
3. The Inspector of police,
Vishnukanchi Police Station,
Kanchipuram. ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying 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 & 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 in bearing Door Nos.11 to 16 Limit in 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.

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

ORDER

The petitioner has come forward with this petition seeking for a direction, directing 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 & 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 in bearing Door Nos.11 to 16 Limit in Town Survey Nos.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.

2. The learned counsel for the petitioner would submit that the petitioner's company is incorporated and registered under the provisions of Indian Companies Act, 1956. The petitioner's company is a Joint Venture company of Bharti Airtel Ltd., Vodafone Essar Ltd., & Idea Cellular Limited. 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 are 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.No.24976 of 2008 etc., batch, held that because of the advancement in the science, no one is prevented to erect cell phone towers. It is also submitted that the petitioner has given a representation dated 12.02.2016 to the first respondent police for police protection and since the same has not been considered so far, he has come up with the present petition for the relief stated supra.

3. At this juncture, the learned Additional Public Prosecutor would submit that the representation sent by the petitioner has not been received and therefore, the petitioner may be directed to give a fresh representation.

4. Considering the facts and circumstances of the case, the petitioner is directed to send a fresh representation to the third respondent and on receipt of the same, the third respondent is directed to consider the said representation 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.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

Jr1

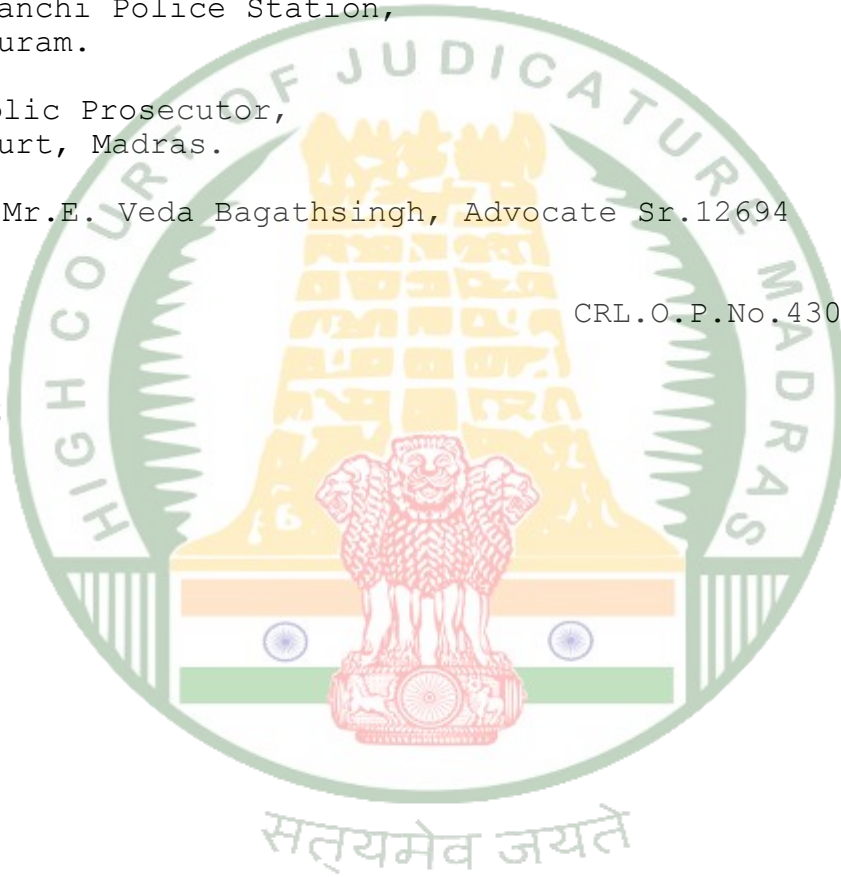
To

1. The Superintendent of Police,
District Police Office,
Kanchipuram District.
2. The Deputy Superintendent of Police,
Kanchipuram,
Kanchipuram District.
3. The Inspector of police,
Vishnukanchi Police Station,
Kanchipuram.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.E. Veda Bagathsingh, Advocate Sr.12694

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LRS (CO)
EU 7.03.16



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