

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.4769 of 2016

M.Sathishkumar
Project Manager
M/s.Haima Projects Private Limited,
5B, Kanagaranga Square,
Sriman Srinivasan Cross Street,
Alwarpet, Chennai - 600 018. .. Petitioner

.. Vs ..

The Inspector of police,
Cuddalore OT Police Station,
Cuddalore District. .. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to provide the 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 Cuddalore District comprising of 1542.75 sq.ft. of vacant land situated at S.No.27/13 in acres 2.20 cents in acre 0.50.5 cents of land in total extent of 22018 sqfeet of land subdivided in plots in the name of Saraswathi Nagar in Plot No.3, total measurement to an extent of 1542.75 sqft of land belongs to Mrs.R.Chandra w/o.Ravichandran.

For Petitioner : Mr.N.Umapathy

For Respondent : 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 the 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 Cuddalore District comprising of 1542.75 sq.ft. of vacant land situated at S.No.27/13 in acres 2.20 cents in acre 0.50.5 cents of land in total extent of 22018 sqfeet of land

subdivided in plots in the name of Saraswathi Nagar in Plot No.3, total measurement to an extent of 1542.75 sqft of land belongs to Mrs.R.Chandra w/o.Ravichandran.

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, publics 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.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 25.02.2016 to the first respondent police seeking police protection, for which C.S.R.No.70 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.
cse

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector of police,
Cuddalore OT Police Station,
Cuddalore District.

2.The Public Prosecutor, High Court, Madras.
+ 1 cc to Mr.N.Umapathy, Advocate Sr 13863/16

KR/15/3/16

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