

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.5328 of 2016

M/s. Reliance Jio Infocomm Limited,
having its circle office at A1 Tower, 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
Rep. by its Legal Manager D.Kalaimani

.. Petitioner

... Vs ...

The Sub-Inspector of police,
E-1, Singanallur Police Station,
(Law and Order),
Coimbatore District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondent herein to provide police protection to the petitioner's company to erect Transmission Tower at S.F.No.360/1A2, 360/2C2, Neelikonampalayam, Uppilipalayam Village, Coimbatore.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction, directing the respondent herein to provide police protection to the petitioner's company to erect Transmission Tower at S.F.No.360/1A2, 360/2C2, Neelikonampalayam, Uppilipalayam Village, Coimbatore.

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 an Internet Service Provider having Category "A" license granted by the Government of India, Ministry of Communications and I.T. Department of Telecommunications. 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.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 to the respondent police for providing police protection and since the same has not been considered, 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 respondent and on receipt of the same, the respondent police 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 a copy of this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Sub-Inspector of police,
E-1, Singanallur Police Station,
(Law and Order),
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.G.Shankar Ganesh Advocate sr.22825

CRL.O.P.No.5328 of 2016

aa27/04/2016