

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.5447 of 2016

Anburaj

... Petitioner

Vs.

The Inspector of Police,
F2 - Auroville Police station,
Villupuram District.

... Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent 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 land in Old S.No.203/21.78 in Acre 2.66cents of land (resurvey No.256) subdivided in Plot No.10 and 11 of Thiruchitrampalam Panchayat limit in Pattanur Village, Villupuram District.

For Petitioner : Mr.N.Umapathi.

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking for a direction to the respondent to provide 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 land in Old S.No.203/21.78 in Acre 2.66cents of land (resurvey No.256) subdivided in Plot No.10 and 11 of Thiruchitrampalam Panchayat limit in Pattanur Village, Villupuram District.

2. The learned counsel for the petitioner would submit that the petitioner's company is a registered infrastructure service provider, certified by the Department of Telecommunications,

Ministry of Communications and IT, Government of India. The petitioner's company had contract agreement for installation of cell phone tower with M/S.Indus Towers Ltd, a company registered under the Indian Companies Act, 1956. It is further submitted that whenever the petitioner's company attempted to erect cell phone tower, some unidentified persons have caused interference without any reason. 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 representation dated 29.02.2016 to the respondent police seeking 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. Heard the learned Additional Public Prosecutor.

4. Considering the facts and circumstances of the case, the respondent is directed to consider the petitioner's representation dated 29.02.2016 and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Inspector of Police,
F2 - Auroville Police station,
Villupuram District.
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5447 of 2016

ALA(CO)
CA(28/03/2016)