

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CrI.O.P.No.3278 of 2017

M/s.Indus Towers Limited
No.5 (JP), ESPEE, IT Park,
V Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai-600 097,
rep.by its Asst.Legal Manager,
Mr.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,
Thiruporur Police Station,
Kanchipuram District.
4. The Executive Officer,
Town Panchayat, Thiruporur,
Kanchipuram District. Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to issue necessary directions to the respondents 1 to 3 to act on the complaint of the petitioner dated 17.01.2017 given to the third respondent and ensure that no illegal actions by obstrucers and intruders prevent the petitioner from establishing the telecom tower at Survey No.267/3A, Thiruporur Main Road, Opp.to Dugar Apartment, Thiruporur, Kanchipuram-603110, by giving necessary police protection, taking action against the violators of law.

For Petitioner : Mr.P.Elaya Rajkumar for
M/s.Ramalingam & Associates

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

ORDER

It is stated in the affidavit filed in support of this petition that the petitioner is a Telecom Infrastructure Service Provider regulated by the Department of Telecommunication, Ministry of Communications and Information Technology, Government of India. The petitioner company has been incorporated under the provisions of the Companies Act. The petitioner company is providing necessary telecom infrastructure services to the service providers for carrying out their mandate to the Government of India. The petitioner company is registered with the Government of India and hence it is entitled to carry out its business as Telecom Infrastructure Service Provider. To carry out the business activities, the petitioner company initiated the process of erecting the tower. At that time, on 09.11.2016, a letter was received from the Executive Officer, Thiruporur Township, demanding to abort the erection of tower stating that proper permission was not obtained for the same. The said letter was addressed to the District Collector, Kancheepuram and the Member Secretary, Mamallapuram Local Town Planning. The petitioner also received another notification dated 15.11.2016 from the fourth respondent to abort the entire construction work. The petitioner also gave proper reply by letter dated 18.11.2016, mentioning the various Government Orders issued in that regard. Even after the reply letter was submitted and explaining the matter in detail in person, there is no response from the authorities. While so, the locals, more in the nature of goons, seeking to take law into their hands, started meddling with the affairs of the erection of tower by the petitioner. In view of the said circumstance, the petitioner has come up with this Criminal Original Petition, to give necessary police protection to the petitioner for carrying out their work of erecting the tower and also to take action against the violators of law.

2.The learned counsel for the petitioner has submitted that the petitioner had informed the authorities about the order passed by this Court in CrI.O.P.No.15569 of 2016 dated 10.08.2016, recording the fact that cell phone towers cannot be prohibited or stopped in view of various Government Orders.

3.Mr.C.Emalias, learned Additional Public Prosecutor, takes notice for the respondents.

4.Heard both sides.

5.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.

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

s/d-
Assistant Registrar (CS-IV)

//True Copy//

Sub-Assistant Registrar

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,
Thiruporur Police Station,
Kanchipuram District
 4. The Public Prosecutor,
Madras High Court,
Chennai-600 104.
- +1 CC to M/s. Ramalingam Associates, sr 10884

Crl.O.P.No.3278 of 2017

LRS (CO)
sp/1/3

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