

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.3532 of 2017

M/s.Indus Towers Limited
rep. by its Assistant Legal Manager,
S.Prasanna

... Petitioner

Vs

1.The Superintendent of Police,
District Police Office,
Tiruppur District.

2.The Deputy Superintendent of Police,
Tiruppur, Tirupur District.

3.The Inspector of Police,
South Police Station,
Tiruppur District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to issue necessary directions to the respondents 1 to 3 to act on the complaint of the petitioner dated 20.01.2017 given to the third respondent and ensure that no illegal actions by obstrucers and intruders prevent the petitioner from establishing the telecom tower at No.17, Poonnool Kadu, 2nd Street, Tiruppur - 641 604 by giving necessary police protection taking action against the violators of law.

For Petitioner : Mr.Elayarajkumar for
M/s.Ramalingam & Associates

For Respondents : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed to issue necessary directions to the respondents 1 to 3 to act on the complaint of the petitioner dated 20.01.2017 given to the third respondent by providing police protection to the petitioner for erecting a telecom tower at No.17, Poonnool Kadu, 2nd Street, Tiruppur - 641 604 and by taking action against the violators of law.

2. The case of the petitioner is that they are carrying on the business of providing telecom infrastructure services in Tamil Nadu and other parts of India. During the course of such business, they had entered into a lease agreement with one K.Jaganathan in respect of the property situated at No.17, Poonnool Kadu, 2nd Street, Tiruppur- 641 604, vide lease deed dated 06.09.2016 for the purpose of establishing, constructing, installing, operating, maintaining various kinds of cell sites/towers. When they initiated the process of erecting the tower in the property in question, the local public caused obstruction demanding to abort the erection of tower on false assumptions. Further, the petitioner has been threatened to dismantle the pending construction and revamp the place. Hence, they have approached the third respondent and made a request dated 20.01.2017 seeking police protection to erect the telecom tower in the property in question. However, the said request was not considered by the respondents. Therefore, they have come up with the present petition for the above stated relief.

3. Learned counsel appearing for the petitioner submitted that despite the fact that there is no licence required for erection of towers, while the petitioner initiated the process of erecting the telecom tower at the property in question, the same was objected by some people. Learned counsel further submitted that on earlier occasion, the petitioner has approached this Court for the very same purpose in respect of another property by filing Crl.OP.No.15569/2016, which was, by order dated 10.08.2016, disposed of, by granting police protection to the petitioner. Thus, he sought for similar direction in this petition also.

4. On the above submissions, I have heard the learned Additional Public Prosecutor and perused the entire materials available on record.

5. This Court, by order dated 10.08.2016, has disposed of the petition in Crl.OP No.15569/2016, as under:

"5.The learned counsel appearing for the petitioner submitted that the Commissioner, Kancheepuram Municipality, has issued a letter dated 12.01.2016 to the petitioner stating that there is no licence required for erecting cell phone towers in view of G.O.Ms.No.302, Housing and Urban Development Department dated 12.12.2002 and the letter dated 26.03.2009 issued by the Secretary to the Government of Tamil Nadu Energy Department.

6.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.

With the above direction, this Criminal Original Petition is closed."

In the order as extracted above, it is clearly stated that in view of G.O.Ms.No.302, Housing and Urban Development Department, dated 12.12.2002 and the letter dated 26.03.2009 issued by the Secretary to the Government of Tamil Nadu, Energy Department, there is no licence required for erecting cell phone towers. Hence, this Court is inclined to dispose of the present petition in favour of the petitioner.

6. Accordingly, this Criminal Original Petition is disposed of, by directing the third respondent to look into the nature of the petition and give police protection as sought for by the petitioner.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Superintendent of Police,
District Police Office,
Tiruppur District.
- 2.The Deputy Superintendent of Police,
Tiruppur, Tirupur District.
- 3.The Inspector of Police,
South Police Station,
Tiruppur District.
- 4.The Public Prosecutor, High Court, Madras.

+2ccs to M/S. Ramalingam, Advocate SR. 11380/17

Crl.O.P.No.3532 of 2017

AR(CO)
VR(07/03/2017)