

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.O.P.No.668 of 2017

M/s.Indus Towers Limited,
having its circle office at 5 (NP), ESPEE, IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai-600 097,
represented by its Assistant Legal Manager,
S.Prasanna [Petitioner]

Vs

- 1.The Commissioner of Police,
Commissioner of Police Office, Kanchipuram City.
- 2.The Assistant Commissioner of Police,
Mangadu, Kanchipuram.
- 3.The Inspector of Police,
Mangadu Police Station, Mangadu, Kanchipuram.
- 4.The Municipal Commissioner,
Kanchipuram Municipality, Kanchipuram.
- 5.The District Collector,
District Collector Office, Kanchipuram District.
- 6.The PDO & Town Planning Authority,
Mangadu, Kanchipuram.
- 7.The Panchayat President,
Mangadu Village, Mangadu,
Kanchipuram. [Respondents]

Petition filed under Section 482 of the Criminal Procedure Code, to direct 1 to 3 the respondents herein to provide the effective police protection to the petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical & electronics equipments, OFC cable and its maintenance work on the said BTS transmission Tower at Kanchipuram District, Mangadu, Amman Murugan Nagar, in old Survey No.220/1, New Survey No.220/1A bearing Door No.7 and also direct the respondents 4 to 7 to cooperate with the respondents 1 to 3.

For Petitioner : Mr.K.Govindarajan
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents herein to provide police protection to the petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical & electronics equipments, OFC cable and its maintenance work on the said BTS transmission Tower at Kanchipuram District, Mangadu, Amman Murugan Nagar, in old Survey No.220/1, New Survey No.220/1A bearing Door No.7 and also to direct the respondents 4 to 7 to cooperate with the respondents 1 to 3.

2.It is stated by the petitioner in the affidavit filed in support of this petition that the petitioner's company has been incorporated and registered under the provisions of the Indian Companies Act, 1956 and it is a joint venture company of Bharti Airtel Limited, Vodafone Essar Ltd. and Idea Cellular Ltd. The petitioner company is engaged in the business of operation and maintenance of mobile phone towers across India for all the mobile phone operators / service providers who are all licensed by the Government under Section 4 of the Indian Telegraph Act, 1885 on mutually agreed terms and conditions. The petitioner has also obtained license from the Department of Telecommunications, Government of India, to provide passive infrastructure to telecom service providers. It is stated that in order to erect the cell phone tower, the petitioner's company entered into a lease agreement with one D.Balaji for a period of 12 years for erection of tower on his land and based on the said agreement, the land owner, company officials and other staff visited the place many times in the month of December 2016 to erect tower. But in all those visits, some persons residing nearby Amman Murugan Nagar as well as members and office bearers of M/s.Eswara Nagar Residents Welfare Association, came to that place and caused hindrance preventing the petitioner and others from proceeding with the construction. A complaint was made by the petitioner to the respondent police in this regard, but no action has been taken till now. Hence this Criminal Original Petition.

3.The learned counsel for the petitioner has submitted that the petitioner, having obtained all necessary permission, is trying to build and erect the mobile phone tower in the land in question, to cater to the needs of mobile phone users residing in the locality, however, the same is objected to by some people, with an intention to extract money from them. He further submitted that on an earlier occasion, the petitioner has

approached this Court for the very same purpose in respect of another land by filing Crl.O.P.No.3437 of 2014, in which, by order dated 20.02.2014, this Court passed an order granting police protection to the petitioner. Thus he seeks for a similar direction in this Criminal Original Petition also.

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

5.This Court disposed of Crl.O.P.No.3427 of 2014 on 20.02.2014, in which the following direction was given:

"Given the facts and circumstances of the case, this Court directs the petitioner to make specific application regards dates on which police protection is necessary towards carrying out their function and for this specific purpose, the respondent police is directed to afford police protection at the cost of the petitioner."

6.Following the same, this Court is inclined to dispose of the present Criminal Original Petition on the same terms. Accordingly, the present Criminal Original Petition is disposed of directing the petitioner to make a fresh application to the respondents 1 and 3, with respect to the dates on which police protection is necessary for carrying out the work of mobile phone tower erection, within a period of two weeks from the date of receipt of a copy of this order. If such an application is received from the petitioner, the respondents 1 and 3 are directed to afford necessary police protection, so as to enable the petitioner to complete the said work. It is made clear that the same shall be at the cost of the petitioner.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

KM

To

1.The Commissioner of Police,
Commissioner of Police Office, Kanchipuram City.

2.The Assistant Commissioner of Police,
Mangadu, Kanchipuram.

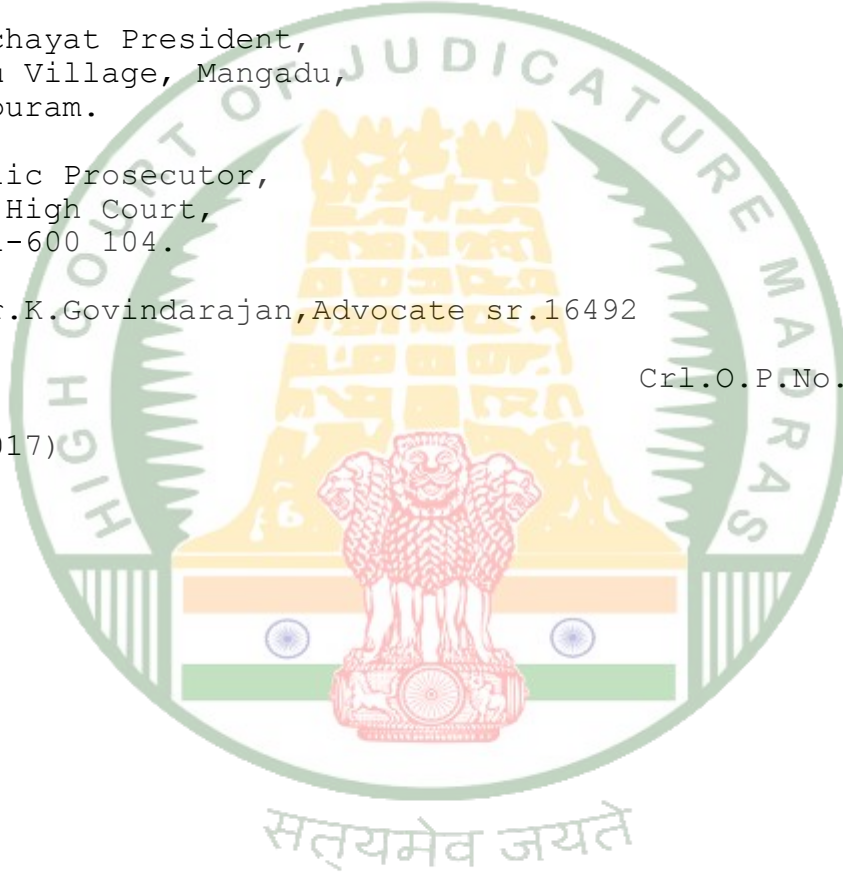
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- 3.The Inspector of Police,
Mangadu Police Station, Mangadu, Kanchipuram.
- 4.The Municipal Commissioner,
Kanchipuram Municipality, Kanchipuram.
- 5.The District Collector,
District Collector Office, Kanchipuram District.
- 6.The PDO & Town Planning Authority,
Mangadu, Kanchipuram.
- 7.The Panchayat President,
Mangadu Village, Mangadu,
Kanchipuram.
- 8.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+lcc to Mr.K.Govindarajan,Advocate sr.16492

Cr1.O.P.No.668 of 2017

br(co)
ss(28/3/2017)



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