

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

CrI.O.P.No.3799 of 2017

Indus Towers Limited
rep. by its Authorized Signatory
S.Prasanna

... Petitioner

Vs

1.The Superintendent of Police,
Krishnagiri District.

2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
(C.S.R. NO.51/2017]

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to provide necessary police protection to the petitioner to carry on the mobile phone tower building and erection work at the premises being 1350 sq.ft. of vacant land in Survey No.65/2A1, Kattikanapalli Village, Kattikanapalli Union, Krishnagiri District.

For Petitioner : Mr.S.Anil Sandeep

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

ORDER

The present criminal original petition has been filed to direct the respondents to provide necessary police protection to the petitioner to carry on the mobile phone tower building and erection work at the premises being 1350 sq.ft. of vacant land in Survey No.65/2A1, Kattikanapalli Village, Kattikanapalli Union, Krishnagiri District.

2. The case of the petitioner is that he is carrying on the business of establishing and maintaining telecommunication infrastructure/assets in Tamil Nadu and Puducherry and other parts of India. During the course of such business, he had entered into a lease agreement with one Mrs.K.Udayapriya, W/o.Kannan, in respect of the land Survey No.65/2A1, Kattikanapalli Village, Kattikanapalli

Union, Krishnagiri District., which has been registered as Document No.126/2017 dated 27.01.2017 on the file of the Sub-Registrar Joint-II at Krishnagiri District and had obtained her consent for the building, erection and maintenance of the mobile phone tower. He had also obtained necessary approval from the Government authorities in this regard. When the workmen of the petitioner had gone to the said land for the purpose of mobile phone tower erection work, a group of people from that village had obstructed the same and had assaulted him. The petitioner lodged a complaint dated 03.02.2017 with the 2nd respondent police to provide police protection to him to build the mobile phone tower and CSR.No.51 of 2017 has been issued by the 2nd respondent police. However, the said request was not considered by the respondents. Therefore, the petitioner has come up with the present petition for the above stated relief.

3. Learned counsel appearing for the petitioner submitted that the petitioner, having obtained all necessary permission, is trying to build and erect the mobile phone tower at the land in question, to cater the needs of mobile phone users residing in the locality, however, the same is objected by some people with an intention to extract money from them. Learned counsel further submitted that on earlier occasion, the petitioner has approached this Court for the very same purpose in respect of another land by filing Crl.OP.No.1267/2017, which was, by order dated 30.01.2017, 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 30.01.2017, has disposed of the petition in Crl.OP No.1267 of 2017 with the following direction:

"this Criminal Original Petition is disposed of, by directing the petitioner to make a fresh application 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. On making such application, the respondents are directed to afford police protection, so as to enable the petitioner to complete the said work. However, the same will be at the cost of the petitioner."

Following the same, this Court is inclined to dispose of the present petition in the above terms.

6. Accordingly, this Criminal Original Petition is disposed of, by directing the petitioner to make a fresh application 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. On making such application, the respondents are directed to afford police protection, so as to enable the petitioner to complete the said work. However, the same will be at the cost of the petitioner.

mk

Sd/-

Assistant Registrar (J)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Krishnagiri District.
- 2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Anil Sandeep, Advocate SR.NO.12231

CrI.O.P.No.3799 of 2017

EV[CO]

MK:08/03/2017

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