

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.5909 of 2017

M/s.Indus Towers Limited,
rep.by its authorised signatory
Mr.S.Prasanna,
No.5, ESPEE IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai-600 097.

... Petitioner

Vs

1. The Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
Auroville Police Station,
Vanur Taluk, Villupuram District.
(C.S.R.No.202/2016).

... Respondents

Petition filed under Section 482 of the Criminal Procedure Code, to direct the respondents to provide necessary police protection to the petitioner to have free ingress and egress and carry on the mobile phone tower building and erection work at the premises being vacant land measuring an extent of 2400 sq.ft.comprised in R.S.No.292/3 in Irumpai Village, Vanur Taluk, Villupuram District.

For Petitioner : Mr.S.Anil Sandeep

For Respondents : Mr.Md.Riyaz,
Government Advocate

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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 have free ingress and egress and carry on the mobile phone tower building and erection work at the premises being vacant land measuring an extent of 2400 sq.ft. comprised in R.S.No.292/3 in Irumpai Village, Vanur Taluk, Villupuram District.

2.The case of the petitioner is that they are 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, they had entered into a lease agreement with one Manivannan and Athikesavan, in respect of the vacant land measuring an extent of 2400 sq.ft.comprised in R.S.No.292/3 in Irumpai Village, Vanur Taluk, Villupuram District, and had obtained their consent for the building, erection and maintenance of the mobile phone tower. They had also obtained necessary approval from the Government authorities in this regard. While they were proceeding with the building of the cell phone tower, some anti social elements in the village are objecting to the same with an intention to extract money from the petitioner. The petitioner lodged a complaint with the respondent police seeking police protection. Since there was no action, they approached this Court by way of filing W.P.No.17146 of 2013 and this Court allowed the said writ petition. In spite of the direction issued by this Court, the second respondent is hesitant and is failing in his duty to give necessary police protection. The petitioner preferred a representation to the second respondent on 15.07.2016, for which no action has been taken till now. Hence this writ petition.

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 of 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 Government Advocate 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.1267/2017, with the following direction:

"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."

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.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM

To

1. The Superintendent of Police,
Villupuram District.
2. The Inspector of Police,
Auroville Police Station,
Vanur Taluk, Villupuram District.
3. The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1cc to Mr.S.Anil Sandeep, Advocate, S.R.No.18430

Cr1.O.P.No.5909 of 2017

BR(CO)
CA(11/04/2017)