



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.01.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM
Cr1.O.P. (MD)No.21041 of 2016

WEB COPY

M/s.Indus Towers Limited,
(Formerly known as M/s.Bharti Cellular Ltd.)
having its circle office at 5(NP), ESPEE, IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai-600 0097.
represented by its Legal Manager
S.Prasanna

:Petitioner

Vs.

1.The Inspector of Police,
Tallakulam Police Station,
Madurai.

2.The Secretary,
Sharan Towers Owners Association,
No.24, Gokhale Road,
Chinnachokkikulam,
Madurai.

: Respondents

Prayer: This petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to provide the effective police protection to the petitioner's company to remove the cell phone tower and its related all electrical and electronics equipment from the second respondent premises at No.24, Sharan Towers, Gokhale Road, Chinna Chokkikukam, Madurai-625 002.

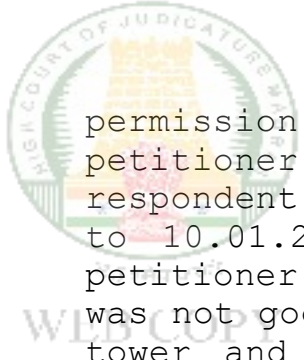
For Petitioner	: Mr.A.K.Manickam for Mr.K.Govindarajan
For 1 st Respondent	: Mr.A.P.Balasubramani Government Advocate (Criminal side)
For 2 nd Respondent	: Mr.A.R.M.Ramesh

O R D E R

This petition is filed to direct the 1st respondent to provide police protection to the petitioner's company to remove the cell phone towers and its related all electrical and electronics equipments from the second respondent premises at No.24, Sharan Towers, Gokhale Road, Chinna Chokkikukam, Madurai-625 002.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The learned counsel appearing for the petitioner would submit that the petitioner company is carrying on operation and maintenance of Mobile phone towers and all the towers are erected and installed upon private properties, only after obtaining



permission from the respective property owners and that the petitioner's company entered into a lease agreement with the 2nd respondent for a period of ten years, commencing from 10.01.2002 to 10.01.2012 and at the time of expiring of lease term, the petitioner found that the building stability of the 2nd respondent was not good and hence, they have decided to vacate and remove the tower and related equipment from their premises and that after expiry of the lease period, the petitioner company officials made several attempts to vacate and remove the tower and related equipments from the second respondent premises, but they were not allowed to vacate and remove the equipments, by demanding huge amount and also threatened the petitioner's company representatives. Hence, the petitioner was constrained to lodge a police complaint to the first respondent on 19.09.2016 and also taken the issue to the knowledge of the Commissioner of Madurai Corporation and the District Collector, Madurai. Since, no action has been taken, they come forward with this petition seeking police protection to remove the cell phone tower and its related all electrical and electronics equipments from the second respondent premises.

3.The learned counsel for the 2nd respondent would submit that the petitioner company has not paid any arrears due to the 2nd respondent for the occupation of the premises and there were huge amount of rental arrears and also tax payable by the petitioner to the Corporation. Hence, the relief sought for by the petitioner, cannot be granted and prayed for dismissal of the petition.

4.Heard the learned Government Advocate (Criminal side) appearing for the 1st respondent.

5.This court has carefully heard the arguments made on either side and perused the materials available on record.

6.In this case, admittedly the cell phone tower was erected in the premises of the 2nd respondent and after one time payment on 09.08.2012, subsequently, the petitioner company has not paid any arrears due to the second respondent and now, they are attempting to vacate and remove the materials lying in the premises of the 2nd respondent. Since, the matter involves the civil right of the parties, this court is of the considered view that the relief sought for by the petitioner cannot be granted.

7.In the result, this criminal original petition is dismissed giving liberty to the parties to approach the competent civil court to establish their rights in the manner known to law.

Sd/-

Assistant Registrar(AE)



To

1.The Inspector of Police,
Tallakulam Police Station,
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.A.R.M. Ramesh,ADVOCATE, SR NO:1937
+1 cc to MR.K.GovindaRajan, ADVOCATE, SR NO:1924

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