



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.15232 of 2017

M/s.Indus Towers Limited,
No.5 (NP), ESPEE, IT Park,
V Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai-600 097.
Rep. by its Asst. Legal Manager,
Mr.S.Prasanna.

... Petitioner

Vs.

1. The Superintendent of Police,
District Police Office, Sivagangai District.
2. The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
3. The Inspector of Police,
Law & Order,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to act on the complaint of the petitioner dated 07.06.2017 given to the third respondent and ensure that no illegal actions by obstructers and intruders prevent petitioner from establishing the telecom tower at Plot No.25, comprised in S.F.No.9/6A2A1B1 corresponding to new SF.No.188/20, 188/19B measuring about 3 ½ cent situated at Chekkalaikottai Village, Sankarapuram Panchayath, Sakkottai Union, Karaikudi Taluk, Sivagangai District by giving necessary police protection, taking action against the violators of law.

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

**ORDER**

This petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 07.06.2017 and to ensure that no illegal action by obstructors and intruders from establishing the telecom tower at plot No.25, Chekkalaikottai Village, Sankarapuram Panchayath, Sakkottai Union, Karaikudi Taluk, Sivagangai District in S.F.No.9/6A2A1B1 corresponding to new SF.No.188/20, 188/19B.

2.The petitioner states that the petitioner company is a joint venture of M/s.Bharti Airtel Ltd., M/s.Vodafone India Ltd., and M/s.Idea Cellular Ltd., telecom companies. The petitioner further states that the Government of India has permitted to carry on business as Telecom Infrastructure Service Provider. The petitioner states that it is a Telecom Infrastructure Service Provider who has to establish necessary infrastructure for the three telecom companies.

3.The petitioner further has furnished certain technical details in relation to the installation of telecom infrastructure on the such Cell Sites by means of which the signals are transmitted to cellular mobile phones. The petitioner further states that the petitioner's company initiated erection of tower at Chekkalaikottai Village. However, it is admitted that the adjacent land owners have raised some obstructions demanding the petitioner to abort the erection of towers on certain misconception and false assumptions.

4.Since the petitioner has been threatened to dismantle the construction which has reached some level, the petitioner states that they are constrained to file a present writ petition for the relief after finding that the respondents have not acted on their representation dated 07.06.2017.

5.The learned counsel for the petitioner relied upon the judgment of this Court in similar writ petitions in W.P(MD). No.11836 of 2017 filed by the same petitioner in respect of telecom tower at Alwarkuruchi village, Natham.

6.This Court after considering the fact that the erection of tower is not prohibited under any statute, a direction can be given to the respondent to consider the representation of the petitioner dated 07.06.2017 and to take appropriate action.

7.Having regard to the facts and circumstances of the case, this Court is inclined to pass the following direction:-

<https://hcservices.ecourts.gov.in/hcservices/> The respondents 1 to 3 are directed to consider the representation of the petitioner dated 07.06.2017 and to take



appropriate action if it is required."

8. The petitioner is also required to satisfy that the erection of tower is strictly in adherence to the statutory provisions and that the petitioner has obtained necessary permission and approval from the concerned statutory authorities. This may also be verified.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Police Office, Sivagangai District.
2. The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
3. The Inspector of Police,
Law & Order,
Karaikudi North Police Station,
Karaikudi, Sivagangai District.

+ 1 cc TO Mr.M.Ponniah , Advocate in SR No. 79920
+1cc to The Special Government Pleader in SR.No.79908

rmi/sss

AE/SV MMS/SAR1/13.10.2017/3P/6C

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19.09.2017