

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.8034 of 2018

M/s.Reliance JioInfocomm Limited,
having its Circle office at A1 Tower,
8th Floor, 89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
represented by its Legal Manager,
Mr.D.Kalaimani ... Petitioner

Vs.

- 1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.
- 2.The Inspector of Police,
Meenjur Police Station,
Thiruvallur District. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents herein to provide police protection to the petitioner's company to erect transmission tower at Vacant land at 2415 sq. ft. bearing Survey No.623, Reddy Street, Madura Mellupalayam of Madhavaram Village, Ambattur Taluk, Thiruvallur District, the petitioner undertakes to pay the necessary charges.

For Petitioner : Ms.L.Srileka
For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl. Side)

ORDER

In an identical case, this Court had, by an order dated 16.11.2016 in Crl.O.P.(MD).No.12751 of 2016 and Crl.O.P.No.5924 of 2017 dated 27.03.2017 passed the following order.

"3.Learned counsel for the petitioner relied on the decision of a Division Bench of this Court in W.P.Nos.24976 of 2008 etc., Batch cases and the decision of a learned Single Judge of this Court in Crl.OP(MD) Nos.12596 to 12599 of 2014 and 12601 to 12619 of 2014 would submit that without any basis their activities cannot be stopped.

4.Learned Government Advocate
(Criminal Side) on instructions submitted
that the petition is pending.

5.The law regarding establishment of
cell phone towers has already been dealt
with in the judgments referred supra. In
the absence of any illegality or unlawful
activities, no one can interfere with the
lawful activities of a person concerned.
If there is any objection for construction
and erection of cellphone towers, the
objectors will have to workout their
remedy in the manner known to law instead
of preventing the persons concerned from
putting up construction, which they are
legally entitled to do so.

6.Accordingly, the criminal original
petition is disposed of with a direction
to the respondents to give adequate police
protection, if there are no legal
impediments."

The facts and the findings in the aforesaid case in
applicable to the present case in hand.

2. Accordingly, this Criminal Original Petition is
allowed, directing to the respondents to give adequate police
protection to the petitioner for erection of cell phone tower
in Survey No. 623, Reddy Street, Madura Mellupalayam of
Madhavaram Village, Ambattur Taluk, Thiruvallur District.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dh

To

1.The Superintendent of Police,
Thiruvallur District,
Thiruvallur.

2.The Inspector of Police,
Meenjur Police Station,
Thiruvallur District.

3. The Public Prosecutor,
High Court, Madras

+lcc to Ms.L.Srileka, Advocate Sr.No.22913

sm:27.3.2018

Cr1.O.P.No.8034 of 2018



WEB COPY