

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 20.08.2018
CORAM
THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.20345 of 2018

M/s.Reliance Jio Infocomm Limited
Having its Circle Office at A1 Tower, 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
Represented by its Legal Manager
D.Kalaimani Petitioner

Vs.

1.The Deputy Superintendent of Police
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondents herein to provide police
protection to erect transmission tower and to do electrical
works and to do maintenance work of tower at vacant land 2400
sq.ft. out of Acr.0.35.1/2 cents of land, bearing
S.No.Dharmapuri Taluk, Thandangam Village, S.F.No.576 an extent
of measuring Acr.3.90 cents is now sub-divided in new S.No.576/5
an extent of measuring Hec.0.33.50 ars limit in the middle of
measuring Hec.0.14.37 or Acr.0.35.1/2 cents which is bounded by
South of Chinnaamy land and Madhesh level, North of Krishnan
land, East of Arjunan land and Kaliappan land, West of Madhesh
and Vadimuniyan land in the middle of measuring Acr.0.35.1/2
cents of land, together with right or way to approach the
schedule property only.

For Petitioner : Ms.L.Srileka
For Respondents : Mr.C.Raghavan, GA

O R D E R

This Criminal Original Petition has been filed seeking a
direction to the respondents herein to provide police protection
to the petitioner's company to erect transmission tower at 2400
sq.ft. out of Acr.0.35.1/2 cents of land, Thandangam Village,

Dharmapuri Taluk in S.F.No.576 an extent of measuring Acr.3.90 cents is now sub-divided in new S.No.576/5 an extent of measuring Hec.0.33.50 ars limit in the middle of measuring Hec.0.14.37 or Acr.0.35.1/2 cents which is bounded by South of Chinnaamy land and Madhesh level, North of Krishnan land, East of Arjunan land and Kaliappan land, West of Madhesh and Vadimuniyan land in the middle of measuring Acr.0.35.1/2 cents of land.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials placed on record.

3.In a similar case, this Court has passed the following order:-

"2.The learned counsel for the petitioner would submit that the petitioner's company had the contract agreement for installation of Cell Phone tower with M/s.Indus Towers Limited, a company registered under the provisions of Indian Companies Act, 1956. It is further submitted by the learned counsel for the petitioner that whenever the petitioner's company attempted to erect transmission cell phone tower, public are causing interference. The learned counsel for the petitioner also submitted that by order dated 05.03.2015, the Hon'ble First Bench of this Court, in W.P.Nos.24976 of 2008 and etc., batch, held that because of the advancement in the science, no one has prevented to erect cell phone towers. It is also submitted that the petitioner has given a complaint dated 24.02.2016 to the first respondent police seeking police protection, for which C.S.R.No.42 of 2016 and since the same has not been considered so far, he has come up with the present petition for the relief stated supra.

3.Heard the learned Additional Public Prosecutor appearing for the respondent.

4.Considering the facts and circumstances of the case, the petitioner is directed to send a fresh representation to the respondent and on receipt of the same, the respondent is directed to consider the representation to be submitted by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of one week from the date of receipt of copy of this order.

5.With the above directions, this Criminal Original Petition is disposed of."

4.In the light of the above, the petitioner is directed to give a fresh representation in person to the respondent police and on receipt of the same, the respondent police is directed to consider the representation and take action in accordance with law, by giving police protection, provided the petitioner produces sufficient materials in support of its claim.

5.The petitioner is further directed to pay Rs.1,000/- to Chief Justice Relief Fund [payable in Accounts Section of the High Court Registry] within a period of two weeks from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

With the above direction, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.

3.The Section Officer,
Accounts Section,
High Court, Madras.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.L.Srileka, Advocate, S.R.No.57019

Writ Petition No. 20245 of 2018

SVN(CO)
GSP(03/09/2018)