

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.6469 of 2018

Indus Towers Limited,
Rep. by its Authorized Signatory,
Mr.S.Prasanna,
No.5, ESPEE IT Park,
5th floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai- 600 032. ... Petitioner

Vs.

- 1.The Superintendent of Police,
Vellore District.
- 2.The Inspector of Police,
Katpadi Police Station
Vellore District (CSR.No.386/2017) ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to directing the second respondent to provide necessary police protection to the petitioner to carry on the mobile phone tower building, erection and operation works at the premises being about 572 sq.ft of Roof Top of the building from and out of 576 sq.ft of land and building bearing Old Door Nos.79 & 80, New Door Nos.159 & 161, Vellore Road and comprised in Survey No.573/1 in Tharapadavedu Village, Katpadi Taluk, Vellore District.

For Petitioner : Mr.S.Anil Sandeep
For Respondents : Mrs.Kritika Kamal.P
Government Advocate (Crl. side)

ORDER

This petition has been filed by the petitioner for a direction to the the second respondent to provide necessary police protection to the petitioner to carry on the mobile phone tower building, erection and operation works at the premises

being about 572 sq.ft Roof Top of the building from and out of 576 sq.ft of land and building bearing Old Door Nos.79 & 80, New Door Nos.159 & 161, Vellore Road and comprised in Survey No.573/1, in Tharapadavedu Village, Katpadi Taluk, Vellore District.

2. 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 ect. 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 are applicable to the present case in hand.

3. Accordingly, this Criminal Original Petition is allowed, with a direction to the the second respondent to provide necessary police protection to the petitioner to carry on the mobile phone tower building, erection and operation works at the

premises being about 572 sq.ft of Roof Top of the building from and out of 576 sq.ft of land and building bearing Old Door Nos.79 & 80, New Door Nos.159 & 161, Vellore Road and comprised in Survey No.573/1 in Tharapadavedu Village, Katpadi Taluk, Vellore District.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Superintendent of Police,
Vellore District.
- 2.The Inspector of Police,
Katpadi Police Station
Vellore District (CSR.No.386/2017)
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Anil Sandeep, Advocate, S.R.No.22932

Cr1.O.P.No.6469 of 2018

KGK (CO)

RRK (23/04/2018)

सत्यमेव जयते

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