

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.3667 of 2018

Indus Towers Limited,
Rep.by its Authorized Signatory
Mr.S.Prasanna

.. Petitioner

Vs.

1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Pallapatty Police Station,
Salem District (CSR.No.5/2018)

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondents 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 750 Sq.ft of vacant land out of 969 Sq.ft of land in Plot No.11, Door No.3/323A, 'Ram Nagar', Meiyannur Village, Salem Taluk, comprised in ward M, Block 27, New T.S.No.156/1, Old T.S.No.51/1 part of Salem Corporation limited.

For Petitioner : M/S.S.Anil Sandeep

For Respondents : Ms.P. Kritika Kamal
Government Advocate (Crl.side)

O R D E R

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 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 mobile phone tower at the premises being about 750 Sq.ft of vacant land out of 969 Sq.ft of land in Plot No.11, Door No.3/323A, 'Ram Nagar', Meiyannur Village, Salem Taluk, comprised in ward M, Block 27, New T.S.No.156/1, Old T.S.No.51/1 part of Salem Corporation limited.

Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

AT

To

1. The Superintendent of Police,
Salem District.

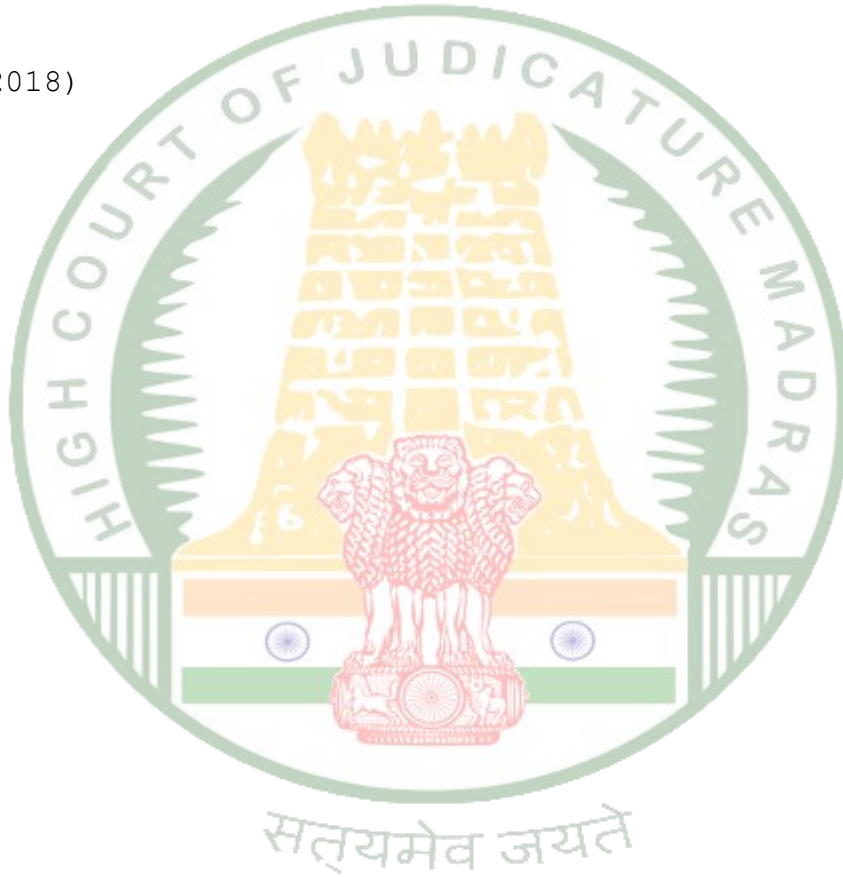
2. The Inspector of Police,
Pallapatty Police Station,
Salem District (CSR.No.5/2018)

3. The Additional Public Prosecutor,
High Court, Madras

+lcc to Mr.S.Anil Sandeep, Advocate SR.No.12063

Crl.O.P.No.3667 of 2018

AK (CO)
GN(09/03/2018)



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