

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.27514 of 2017

ATC Telecom Tower Corporation Pvt Ltd.,
Rep by Deputy Manager- Legal,
443/204, Guna Complex, Annexure-1,
3rd floor, Anna Salai, Teynampet,
Chennai- 600 018. .. Petitioner

Vs.

1. The Inspector of Police,
Udumalpet Police Station,
Udumalpet Taluk,
Coimbatore District.
2. The Deputy Superintendent of Police,
District Police Office,
Angeripalayam main road,
Tiruppur, Tamil Nadu- 641 603.
3. The Superintendent of Police,
District Police Officer,
Angeripalayam Main Road,
Tiruppur, Tamil Nadu- 641 603. ..Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to provide effective police protection to the petitioner's company to fully complete the installation of transmission cell phone tower and to install all the telecommunication electrical and electronic equipments, cables situated in Ward-A, Block No.6, T.S.No.33 and Ward No.13, S.F. Number 162 A Part, Udumalpet T.K., Tiruppur District of an area of 923 Sq.ft on the basis of the complaint dated 13.11.2017 vide CSR No. 900/2017.

For Petitioner : Mr.J.Ravikumar

For Respondents : Mrs.P.Kritia Kamal
Government Advocate (Crl.Side)

O R D E R

This petitioner has been filed to direct the respondent police to provide effective police protection to the petitioner's company to fully complete the installation of transmission cell phone tower and to install all the telecommunication electrical and electronic equipments, cables situated in Ward-A, Block No.6, T.S.No.33 and Ward No.13, S.F. Number 162 A Part, Udumalpet T.K., Tiruppur District of an area of 923 Sq.ft on the basis of the complaint dated 13.11.2017 vide CSR No. 900/2017.

2. In identical circumstances, the Hon'ble First Bench of this Court while passing orders in W.P.Nos.24976 of 2008 was pleased to observe as follows :

"10. We are, thus, of the view that in a judicial proceedings these aspects cannot be analysed. There are being no materials atleast as on date, which can finally suggest any health hazard from these towers and the solution thereof, the Court would not venture into uncharted territory of technical expertise to determine the area where it should be installed. The Court, at best can place this matter before the appropriate committee to look into this matter which the Kerala High Court already did and we have the benefit of the conclusion arrived at in those proceedings, as noticed above.

11. We are of the view that no further directions are required in these matters other than to say that the concerned authorities would continue to analyse the materials as and when it emerges to look into the concern raised by the petitioners especially in view of the fact that there is no final view as yet on these aspects. Science grows and evolves and one does not know what happen tomorrow. It is, in this context, we have made these observations".

3. In view of the above observation, there cannot be any impediment on the part of the respondent police to refuse to extend necessary protection to enable the petitioner to install the transmission cell phone tower.

4. Under these circumstances, the Criminal Original Petitioner stands allowed and the first respondent is directed to extend necessary police protection to enable the petitioner

to install the transmission cell phone tower and to install all the telecommunication electrical and electronic equipments, cables situated in Ward-A, Block No.6, T.S.No.33 and Ward No.13, S.F. Number 162 A Part, Udumalpet T.K., Tiruppur District of an area of 923 Sq.ft.

5. Such an exercise shall be made within a period of one week from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Udumalpet Police Station,
Udumalpet Taluk,
Coimbatore District.
2. The Deputy Superintendent of Police,
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Tiruppur, Tamil Nadu- 641 603.
3. The Superintendent of Police,
District Police Officer,
Angeripalayam Main Road,
Tiruppur, Tamil Nadu- 641 603.

+1cc to MR.J.Ravikumar, Advocate SR.No.3127

sm:19.1.2018

सत्यमेव जयते

CRL.O.P.No.27514 of 2017

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