

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.19365 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
D.Kalaimani

..... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Tiruppur City,
Tiruppur District.

2.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur.

..... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., seeking a direction to the respondents herein to provide police protection to erect transmission Tower and to do electrical work and to do maintenance of tower at vacant land 1000 [25x40] sq.ft. out of 4630 sq.ft. of land comprised in Tiruppur District, Ward No.43, Pushpa Nagar, 5th Street, T.S.Ward-H, Tiruppur Village Survey No.236/1, T.S.No.1184/1, Block No.17, Ward No.5, Site No.16 at Tiruppur Taluk and District. The petitioner undertakes to pay the necessary charges.

For Petitioner : Ms.L.Srileka

For Respondents : Mr.C.Iyyapparaj, APP

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

vacant land 1000 [25x40] sq.ft. out of 4630 sq.ft. of land comprised in Tiruppur District, Ward No.43, Pushpa Nagar, 5th Street, T.S.Ward-H, Tiruppur Village Survey No.236/1, T.S.No.1184/1, Block No.17, Ward No.5, Site No.16 at Tiruppur Taluk and District.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 VII)

//True copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Police,
Tiruppur City,
Tiruppur District.

2.The Inspector of Police,
Tiruppur South Police Station,
Tiruppur.

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

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. L.Srileka, Advocate SR.No.53090

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GN(20/08/2018)