



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.12742 of 2019

1.Vedhanayagam
2.Murugesan

...Petitioners

Vs.

1. The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
St. Thomas Mount,
Chennai.

2. The Inspector of Police,
Shankar Nagar Police Station,
Chennai.

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

4. The Block Development Officer,
St. Thomas Mount Union Panchayat
Chitlapakkam,
Kancheepuram District.
(R4 is impleaded as per order in
Crl.M.P No.6728 of 2019 dated
18.07.2019)

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 2nd respondent police to grant police protection for not to erect the cell phone tower by the 3rd respondent in their area which is comprised in Old Survey No.296/1, new survey No.296/4, Karnan Nagar, Pozhichallur Village, Alandur Taluk, Kancheepuram District based on the complaint given by the petitioners dated 02.05.2019 and consequently take appropriate action as per law against the accused persons.



For Petitioners : Mr.M.Senthilkumar
For Respondents 1 & 2 : Mr. M.Mohamed Riayz
Additional Public Prosecutor
For 3rd Respondent : Mr.Rajkumar

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ORDER

This Court has already given police protection to the third respondent to erect cell phone tower by virtue of an order dated 12.03.2019 in CrI.O.P No.6514 of 2019.

2. This petition has been filed by the petitioners belonging to the locality for a direction to the respondent police not to grant police protection to erect the cell phone tower.

3. This petition has been filed on the apprehension that if the cell phone tower is erected, all the houses in the locality will be damaged.

4. This Court has consistently held that no one can prevent the erection of cell phone tower based on mere apprehensions without there being any scientific backing.

5. This Court cannot give a contra direction to the respondent police, when already a direction has been given by this Court to the respondent police to give police protection for the erection of cell phone tower.

6. This Court does not find any merits in this Criminal Original Petition and accordingly, the same is dismissed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
St. Thomas Mount,
Chennai.

2. The Inspector of Police,
Shankar Nagar Police Station,
Chennai.



3. The Block Development Officer,
St. Thomas Mount Union Panchayat
Chitlapakkam,
Kancheepuram District.

4. The Public Prosecutor
High Court of Madras.

CRL.OP.No.12742 of 2019

SSD(CO)
SP(29/08/2019)