

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.25646 of 2019

ATC Telecom Infrastructure Pvt Ltd,
Represented by Authorised Signatory
N.Senathipathi,
"Celestial Point",
No.45, Damodharan Street,
Opp. to T.Nagar Bus Stand, T.Nagar,
Chennai - 600017.Petitioner

Vs.

1. The Deputy Commissioner of Police,
Greater Chennai Police,
Chennai - 600007.
2. The Asst. Commissioner of Police,
Pallavaram AC,
Chennai.
3. The State,
Rep. by Inspector of Police (Law & Order),
Sankar Nagar Police Station,
St.Thomas Mount.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 erection of transmission of cell phone tower and to install all the telecommunication electrical and electronic equipments, cables at that terrace space admeasuring about 300 Sq.ft. over the building situated/comprised in S.F.No.5, Plot No.4, Door No.31, Pozhichalur Main Road, Moses Street, Pammal Village & SRO, Alandur taluk, North Chennai Registration Dist, Kancheepuram Dt.-600075 on the basis of the complaint dated 19.08.2019 vide CSR.No.651/2019 dated 21.08.2019.

For Petitioner : Mr.J.Ravikumar
For Respondents : Mr.C.Iyyapparaj,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent police to provide police protection to the petitioner's company to fully complete the erection of transmission of cell phone tower and to install all the telecommunication electrical and electronic equipments, cables, based on the complaint dated 19.08.2019.

2. In an identical case, this Court had, by an order dated 15.04.2015 in Crl.O.P.(MD).Nos.6885 and 6895 of 2015 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 etc., 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 is applicable to the present case in hand.

3. Accordingly, this Criminal Original Petition stands allowed, directing the respondents to give adequate police protection to the petitioner for erection of cell phone tower in S.F.No.5, Plot No.4, Door No.31, Pozhichalur Main Road, Moses Street, Pammal Village & SRO, Alandur taluk, North Chennai Registration Dist, Kancheepuram Dt.-600075.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Police,
Greater Chennai Police,
Chennai - 600007.
2. The Asst. Commissioner of Police,
Pallavaram AC,
Chennai.
3. The Inspector of Police (Law & Order),
Sankar Nagar Police Station,
St.Thomas Mount.
4. The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.J.Ravikumar, Advocate Sr.No.82139

AKM/25.10.19/3P-6C /

सत्यमेव जयते

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