

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.25717 of 2019

Tower Vision India Private Limited,
Having its registered office at
C-56, Neeti Bagh, New Delhi.
rep. by Sadasivam

...Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District.

2. The Sub Inspector of Police,
Chinnasalem Police Station,
Villupuram.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent police to provide police protection to the petitioner's company to fully complete the erection transmission cell phone tower and to install all the telecommunication electrical & electronic equipments, OFC cable and its maintenance work on the tower situated at S.No.351/3D, Plot No.6, Chinnasalem Town Panchayat, Kallakurichi Taluk, Villupuram District measuring an extent of 965 square feet.

For Petitioner : R.Poornima

For Respondents : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 2nd 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, OFC cable and its maintenance work.

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 CrI.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 at S.No.351/3D, Plot No.6, Chinnasalem Town Panchayat, Kallakurichi Taluk, Villupuram District.

hvk/jas

Sd/-

Assistant Registrar(CJ Conf.)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Villupuram District.

2. The Sub Inspector of Police,
Chinnasalem Police Station,
Villupuram.

3. The Additional Public Prosecutor,
High Court of Madras.

+lcc to M/s.R.Poornima, Advocate, SR.No.82425

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Kak(17/10/2019)



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