

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.29496 of 2019

M/s.Ascend Telecom Infrastructure Private Limited
Rep by its Authorised Signatory,
G.Manikandan,
Old No.32, New No.54,
Butt Road, St. Thomas Mount,
Near Kathipara Junction,
Chennai 600 016

...Petitioner

Vs.

1. The Superintendent of Police,
Tiruppur,
Tiruppur District.
2. The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur District.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to provide adequate police protection to the petitioner's company and its staff and subordinates to erect, commissioning of equipments and to radiate the transmission tower at the lease site namely site ID No.002418 situated at Tiruppur District, Tiruppur South T.K., Tiruppur Registration District, Tiruppur Joint I SRO, Aandipalayam Village, Plot No.154 comprised in Survey No.12 & 43/1, measuring about an extent of 3200 sq.ft.

For Petitioner : Mr.A.M.Venkata Krishnan
For Respondents : Ms.Saratha Devi.V,
Government Advocate (Crl.side)

O R D E R

This petition has been filed to direct the respondents to provide adequate police protection to the petitioner's company and its staff and subordinates for erection of transmission tower.

2. In an identical case, this Court had, by an order dated 15.04.2015 in CrI.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 in site ID No.002418 situated in Survey Nos.12 & 43/1, Plot No.154,

Aandipalayam Village, Tiruppur Joint I SRO, Tiruppur
Registration District, Tiruppur South T.K., Tiruppur District.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

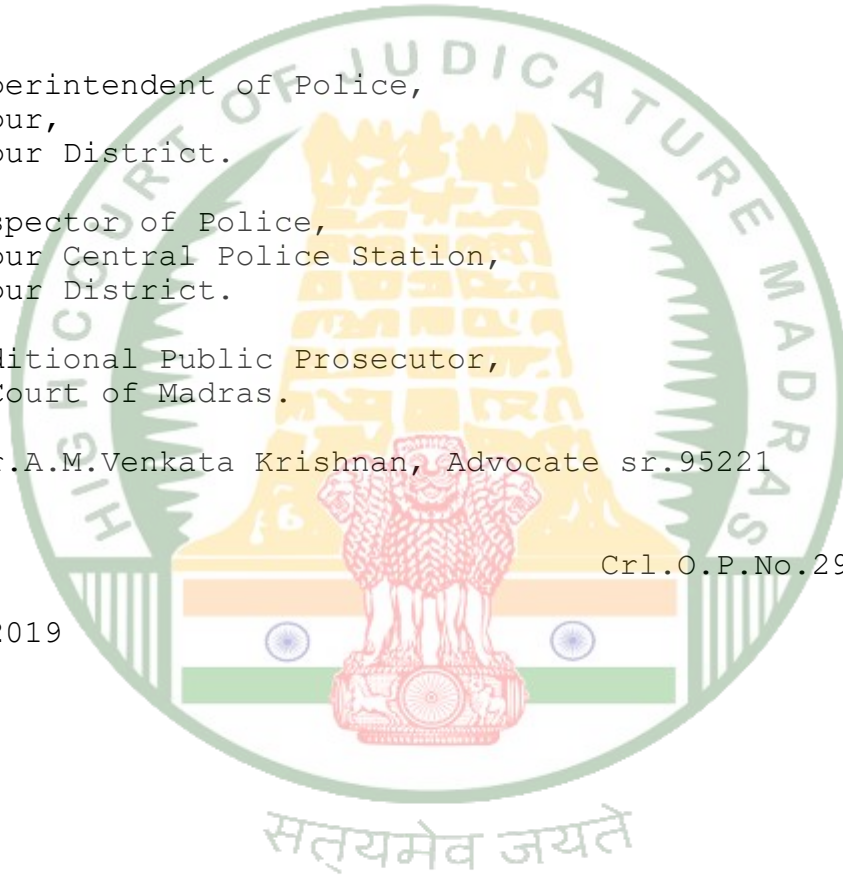
To

1. The Superintendent of Police,
Tiruppur,
Tiruppur District.
2. The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur District.
3. The Additional Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.M.Venkata Krishnan, Advocate sr.95221

Crl.O.P.No.29496 of 2019

nr 18/11/2019



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