



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

Crl.O.P. (MD)No.8167 of 2019

M/s.Indus Towers Limited,
having its circle office at
5 (NP), ESPEE IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal,
Chennai-600 097.
represented by its Assistant Legal Manager,
S.Prasanna : Petitioner

Versus

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Assistant Commissioner of Police,
Thirupparankundram, Madurai City.
- 3.The Inspector of Police,
Thirupparankundram Police Station,
Madurai City. : Respondents

Prayer: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the respondents herein to provide the effective police protection to the petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Madurai District, Madurai South Taluk, Thirupparankundram Village (Ward-2) Ulkadai Pasumalai Thiyagarajar Colony Small Panchayat, Re-survey No.43/5 and 6A limit, Thiyagarasar Colony Small Panchayat Ward No.1, Door No.5, Factory Management Gave in House No.27 (Model A.3) of land total measuring 1588 sq. feet of land with building. The said property is in Thiyagarajar colony small panchayat limit and Madurai Corporation Limit.

For Petitioner : Mr.K.Govindarajan
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to the respondents herein to provide effective police protection to the



petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Madurai District, Madurai South Taluk, Thirupparankundram Village (Ward-2) Ulkadai Pasumalai Thiyagarajar Colony Small Panchayat, Re-survey No.43/5 and 6A limit, Thiyagarasar Colony Small Panchayat Ward No.1, Door No.5, Factory Management Gave in House No.27 (Model A.3) of land total measuring 1588 sq. feet of land with building, within the limit of Thiyagarajar Colony Small Panchayat and Madurai Corporation.

2. Heard both sides.

3. The grievance of the petitioner is that the petitioner company is a joint venture company of Bharti Airtel Limited, Vodafone Essar Limited and Idea Cellular Limited. The petitioner company is carrying the business of operation and maintenance of mobile phone towers across India for all the mobile phone operators/service providers who are all licensed by the Government. The petitioner company obtained permission from the Government of India to erect a cell phone tower in the above said premises. The petitioner company also entered into an agreement with the land owner for installing the cell phone tower and other equipment. But the residents residing in and around the locality prevented the petitioner Company from erecting the cell phone tower and other equipment. In the above circumstances, the petitioner Company made a representation to the third respondent seeking police protection. But the said representation has not been considered so far. In the above circumstances, the present petition has been filed seeking for the aforesaid relief.

4. Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondents submitted that even though the third respondent received the representation, the petitioner company did not provide necessary documents, viz., permission granted by the Central Government and also the agreement entered with the landlord. In the above circumstances, the third respondent is not in a position to consider the petitioner's representation. That was stoutly denied by the learned counsel appearing for the petitioner. The petitioner Company has provided all the necessary documents and despite the same, no action has been taken.

5. Be that as it may, considering the facts and circumstances of the case, the petitioner Company is directed to appear before the third respondent on 27.06.2019 and furnish all the necessary documents to the third respondent. On furnishing such documents, the third respondent is directed to consider the petitioner's representation on merits and in accordance with law. It is needless to say that if the petitioner company has all valid documents for erecting cell phone tower and other equipment as mentioned above, it is the duty of the police to give protection to the petitioner Company.



6. The Criminal Original Petition stands disposed of with the above direction.

Sd/-

Assistant Registrar

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// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Assistant Commissioner of Police,
Thirupparankundram, Madurai City.
- 3.The Inspector of Police,
Thirupparankundram Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Cr1.O.P. (MD) No.8167 of 2019
Dated: **25.06.2019**

SML

KK/SAR/26.06.2019/3P-5C