



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.12672 of 2019

M/s.ATC Telecom Infrastructure Private Limited,
Rep. by its Authorized Signatory,
Mr.N.Senathipathi,
Legal Manager,
Having Circle Office at
"Celestial Point",
No.45, Damodharan Street,
Opposite to T.Nagar Bus Stand,
T.Nagar, Chennai-600 017.

: Petitioner

Versus

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanyakumari District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to give protection to the life and limb of the petitioner's employees/workers to complete installation and commissioning of the telecommunication tower at Resurvey No.646/14B, Patta No.3403, Putheeri Village, Agasteeswaram Taluk, Vadachery SRO, Kaniyakumari District-629 001, as per the petitioner's complaint dated 19.03.2019.

For Petitioner : Mr.K.Govindarajan,
For Mr.M.Karalmarx

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

**ORDER**

This Writ Petition has been filed seeking a direction to the respondents to give protection to the life and limb of the petitioner's employees/workers to complete installation and commissioning of the telecommunication tower at Resurvey No.646/14B, Patta No.3403, Putheeri Village, Agasteeswaram Taluk, Vadachery SRO, Kaniyakumari District-629 001, as per the petitioner's complaint dated 19.03.2019.

2. Heard both sides.

3. The grievance of the petitioner is that the petitioner company is engaged in the business of installing and operating telecommunication towers and infrastructure throughout India for mobile phone operators. The petitioner company entered into an agreement with mobile phone operators for putting up a base trans receiver station tower, equipment room and generator room and for its maintenance in Nagercoil. The petitioner company also entered into an agreement with the land owner for installing the telecommunication tower. But the residents residing in and around the locality prevented the petitioner Company from erecting the tower and other equipment. In the above circumstances, the petitioner Company made a complaint on 19.03.2019 to the second respondent seeking police protection. But, no action has been taken on the said complaint so far. In the above circumstances, the present Writ 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 second respondent received the complaint, 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 second respondent is not in a position to consider the petitioner's complaint. 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 second respondent on 27.06.2019 and furnish all the necessary documents to the second respondent. On furnishing such documents, the second respondent is directed to consider the petitioner's complaint on merits and in accordance with law. It is needless to say that if the petitioner company has all valid documents for erecting the tower and other equipment as mentioned above, it is the duty of the police to give protection to the petitioner Company.



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6. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar(CS-III)

SML

To

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
Vadasery Police Station,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.M.KARALMARX, Advocate (SR-71518[F] dated 26/06/2019)

Order made in
W.P. (MD) No.12672 of 2019
Dated: 25.06.2019

ES/26.06.2019/3P/4C