



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2019

CORAM :

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.(MD)Nos.18307, 18312 and 18317 of 2019

W.P.(MD)No.18307 of 2019

M/s.Indus Towers Ltd
Having its Circle Office at 5(NP),
ESPEE, IT Park,Ekkatuthangal,
Chennai-97,
Rep. by its Assistant Legal Manager,
S.Prasanna

... Petitioner

Vs.

1.The Superintendent of Police
District Police Office,
Virudhunagar.
2.The Inspector of Police
Srivilliputhur Town Police Station,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, Directing 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 an electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Virudhunagar District, Srivilliputhur Taluk, Singammalpuram village, old Natham, S.F.No.20/10 in New S.F.No.796/23 presently subdivided in New S.F.No.796/23A, bearing door No.37, South Street, Kottaipatti, Srivilliputhur.

For Petitioner : Mr.K.Govindarajan
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

W.P.(MD)No.18312 of 2019

M/s.Indus Towers Ltd
Having its Circle Office at 5(NP),
ESPEE, IT Park,Ekkatuthangal,
Chennai-97,
Rep. by its Assistant Legal Manager,
S.Prasanna

... Petitioner



Vs.

1.The Superintendent of Police
District Police Office,
Thoothukudi.

2.The Inspector of Police
Kovilpatti West Police Station,
Kovilpatti, Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, Directing 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 an electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Thoothukudi District, Kovilpatti panchayat Union, Inammaniyachi village panchayat, ward No.6,Athaikondan Mall, Aalampatti Village, Ayan S.F.No.238/2C2 land extent of measuring 1190 Sq.Feet of land.

For Petitioner : Mr.K.Govindarajan
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

W.P. (MD)No.18317 of 2019

M/s.Indus Towers Ltd
Having its Circle Office at 5(NP),
ESPEE, IT Park,Ekkatuthangal,
Chennai-97,
Rep. by its Assistant Legal Manager,
S.Prasanna

... Petitioner

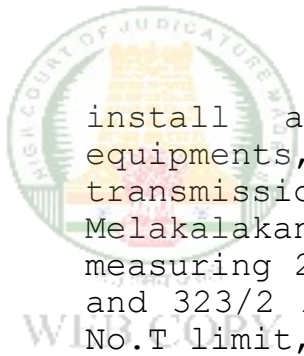
Vs.

1.The Commissioner of Police
Commissioner Police Office,
Trichy City.

2.The Inspector of Police
Ponmalai Police Station,
Trichy City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, Directing 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 an electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Trichy District and Taluk, Alathur Village, MelakalakandarKottai, Srivenkateshwara nagar, in Plot No.107 measuring 2325 Sq.feet of land. The said Property in Survey No.323/1 and 323/2 limit and Trichy Taluk, Tiruchirappalli Corporation, Ward No.T limit, Ponmalai Zone limit.

For Petitioner : Mr.K.Govindarajan
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

C O M M O N O R D E R

These writ petitions have been filed 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 an electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower on the respective place.

2.Heard both sides.

3.The Hon'ble Division Bench of this Court in a batch of Writ Petitions in W.P.No.7544 of 2017 and 15144 of 2019, dated 22.08.2019 held as follows:

"21. The said judgment has come prior to G.O.Ms.No.1 dated 21/2/2018 which makes the position very clear. In view of the above, we hold that general permission to any licenced telecom company and erect towers can be granted subject to the terms and conditions, laid down in G.O.Ms.No.2 dated 01.04.2002, passed by the Information Technology Department.

22. Keeping in mind the statement of Mr.Om Prakash, learned Senior counsel that his clients have approached the Officers concerned and they have not processed the request further, we direct Indus Towers Limited, Chennai, sixth respondent in W.P.No.15144 of 2017 and tenth respondent in W.P.No.7544 of 2017, to make a fresh application, in terms of G.O.Ms.No.2, Information Technology Department, dated 1/4/2002, for erection of towers (even if they are already installed), within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, respondent Nos.1 to 4 in W.P.No.15144 of 2017 are directed to consider the application and take a decision in



accordance with law, within a period of six weeks, thereafter.

23. In those areas where Mobile Towers have been erected without following the G.O.Ms.No.2, Information Technology Department, dated 1/4/2002, the Collectors are directed to issue notices to the operators directing them to make applications for erection of the Mobile Towers, within one week from the date of receipt of this order and on the receipt of the application, the District Collectors shall pass orders on merits in accordance with rules, but not later than three weeks and issue directions in accordance with the decision taken.

24. With the above direction, writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed. "

4. Here, in the case on hand, the petitioner sought for a direction, directing the first respondent police to provide adequate police protection to erect the transmission Cell Phone Tower and to install the telecommunication electrical and electronics equipments, OFC cable and the maintenance work on the respective places.

5. In view of the order passed by the Hon'ble Division Bench of this Court, the petitioner is directed to file an application in view of the G.O.(Ms).No.2, Information Technology Department, dated 01.04.2002 before the concerned District, seeking permission to erect the Cellphone Tower. On receipt of such application, the concerned District Collector is directed to pass order on merits and in accordance with law within a period of four weeks from the date of application. If the District Collector granted permission, to erect the Cellphone Tower, the petitioner is at liberty to seek adequate police protection to the concerned jurisdictional police and it may be considered by the concerned Police after conducting enquiry with the objectors and pass orders on merits and in accordance with law.

6. With the above observations, these Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To
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- 1.The Superintendent of Police
District Police Office,
Virudhunagar.
- 2.The Inspector of Police
Srivilliputhur Town Police Station,
Virudhunagar District.
- 3.The Superintendent of Police
District Police Office,
Thoothukudi.
- 4.The Inspector of Police
Kovilpatti West Police Station,
Kovilpatti, Thoothukudi District.
- 5.The Commissioner of Police
Commissioner Police Office,
Trichy City.
- 6.The Inspector of Police
Ponmalai Police Station,
Trichy City.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+6 CC to M/s.K.GOVINDARAJAN, Advocate (SR-93736[F] dated 22/10/2019
, 93738, 93737, 93664, 93663, 93662,

W.P. (MD)Nos.18307, 18312 and
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