



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.09.2019

CORAM :

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD) Nos.18805, 18809 and 18812 of 2019
and
W.M.P. (MD) Nos.15142, 15145 and 15147 of 2019

WP (MD) .No. 18805/ 2019 :

M/s.Reliance Jio Infocomm Ltd,
Rep by D.Kalaimani,
Reliance Cooperative Park,
A-1 Towers, No.89-91,
Dr.Radhakrishnan Salai, Mylapore, Chennai

... Petitioner in WP(MD). 18805/ 2019

- Vs. -

1. The Superintendent of Police,
Trichy District
2. The Inspector of Police,
Manachanallur Police Station, Trichy District

... Respondent in WP(MD).No. 18805/ 2019

Prayer in WP(MD). 18805/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To provide adequate police protection to the petitioner 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.1-TN-MCNL/ENB-9044 bearing SF.No.1/1, Ayan Punja Mannachanallur Village, Lalgudi Taluk, Trichy District measuring about Acr 0.84 cents.

WP (MD) .No. 18809/ 2019 :

M/s.Reliance Jio Infocomm Ltd,
Rep by D.Kalaimani,
Reliance Cooperative Park,
A-1 Towers, No.89-91,
Dr.Radhakrishnan Salai, Mylapore, Chennai

... Petitioner in WP(MD)No. 18809/ 2019



- Vs. -

1. The Superintendent of Police, Pudukkottai District.
2. The Inspector of Police, Town Police Station,
Pudukkottai District

... Respondent in WP(MD)No. 18809/ 2019

Prayer in WP(MD) . 18809/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To provide adequate police protection to the petitioner 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.1-TN-PDKK-ENB-0055 bearing Old Survey No.372/1, UDR.Survey No.246/1 situated within the Pudukkottai Village, Pudukkottai Taluk, Pudukkottai District measuring about 2190 sq.f.

WP(MD)No. 18812/ 2019

M/s.Reliance Jio Infocomm Ltd,
Rep by D.Kalaimani,
Reliance Cooperative Park,
A-1 Towers, No.89-91,
Dr.Radhakrishnan Salai, Mylapore, Chennai

... Petitioner in WP(MD)No.18812/ 2019

- Vs. -

1. The Superintendent of Police, Trichy District
2. The Inspector of Police, Thottiyam Police Station,
Trichy District

... Respondent in WP(MD)No.18812/ 2019

Prayer in WP(MD) . 18812/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To provide adequate police protection to the petitioner company and its staff and subordinates to erect, commissioning of equipments and to radiate the transmission tower at the lease site namely Survey No.178/9, Patta No.1601, Sub Division Survey No.178/9C Arasalur Village, Thottiyam, Trichy District.



For Petitioners : Mr.T.Pandiyan
For Respondents : Mr.K.Suyambulinga Bharathi,
G.A.(Crl. Side)

ORDER

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These writ petitions have been filed to direct the respondents to provide adequate police protection to the petitioner Company and its staff to erect, commissioning of equipments and to radiate the transmission tower at the lease site namely (I) Site ID No.I-TN-MCNL-ENB-9044 bearing S.F.No.1/1, Ayan Punja Mannachanallur Village, Lalgudi Taluk, Trichy District measuring about Acr 0.84 cents, (ii) site ID No.I-TN-PDKK-ENB-0055 bearing Old Survey No.372/1, U.D.R. Survey No.246/1 situated within the Pudukottai Village, Pudukottai Taluk, Pudukottai District measuring about 2190 sq.ft. And (iii) Survey No.178/9, patta No.1601, sub division Survey No.178/9C Arasalur Village, Thottiyum, Trichy District.

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 respondent police to provide adequate police protection to erect, commissioning of equipments and to radiate the transmission tower at 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 separate 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 applications, 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. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

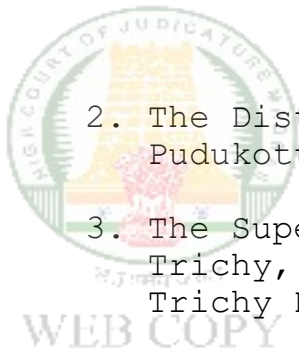
Assistant Registrar

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Sub Assistant Registrar(CS)

To

1. The District Collector,
Trichy District, Trichy



2. The District Collector,
Pudukottai District, Pudukottai
3. The Superintendent of Police,
Trichy,
Trichy District.
4. The Superintendent of Police,
Pudukkottai,
Pudukkottai District.
5. The Inspector of Police,
Thottiyam Police Station,
Trichy District.
6. The Inspector of Police,
Town Police Station,
Pudukottai,
Pudukkottai District.
7. The Inspector of Police,
Manachanallur Police Station,
Trichy District

+3 CC to Mr.T.PANDIYAN, Advocate SR-87080,87081,87082

W.P.(MD)Nos.18805, 18809 and 18812 of 2019
16.09.2019

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