



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P. (MD) Nos.1240 & 7206 of 2018 and 19176 of 2019

and

W.M.P. (MD) No.12900 of 2018

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W.P. (MD) No.1240 of 2018

M/s. Reliance Jio Infocomm Limited,
Rep Through its Legal Manager,
Having its Circle Office
at A1 Tower 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

... Petitioner

Vs.

1.The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai,
Thanjavur District.

2.Prabakaran,
3.Kalimuthu,
4.Sabarathinam
5.Rajendran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to provide effective police protection for erection of transmission cell phone tower and to install the telecommunication electrical and electronics equipments, OFC cable and the maintenance work on the said BTS Transmission Tower at Srinivasa Nagar, Kailasanathapuram Village, Pattukottai.

For Petitioner : Mr.R.G.Shankar Ganesh
For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

For R2 to R5 : Mr.D.R.Murugesan

W.P. (MD) No.7206 of 2018

M/s. Reliance Jio Info comm Ltd,
Rep Through its Legal Manager,
Having its Circle Office
at A1 Tower 8th Floor,
89-90, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

... Petitioner

- Vs. -



The Inspector of Police
Vembakkotai Police Station,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to provide effective police protection for erection of transmission cell phone tower and to install the telecommunication electrical and electronics equipments, OFC cable and the maintenance work on the said BTS Transmission Tower at Vettilaiyoorani village, Virudhunagar District.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : Mr.R.Anandharaj
Additional Public Prosecutor

W.P. (MD)No.19176 of 2019

M/s. Reliance Jio Infocomm Ltd.,
Represented Through it
Legal Manager K. Kalaimani,
Office at A1 Tower 8th Floor,
89-90 Dr. Radhakrishna Salai,
Mylapore, Chennai.

... Petitioner

- Vs. -

The Inspector of Police
Chokkampatti Police Station,
Tirunelveli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to provide effective police protection for erection of transmission cell phone tower and to install the telecommunication electrical and electronics equipments, OFC cable at Indra Colony, Chithampraperi, Tirunelveli District.

For Petitioner : Mr.R.G.Shankar Ganesh
For Respondent : 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 respondent police to provide effective police protection for erection of transmission cell phone tower and to install the telecommunication electrical and electronics equipments, OFC cable and the maintenance work 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.

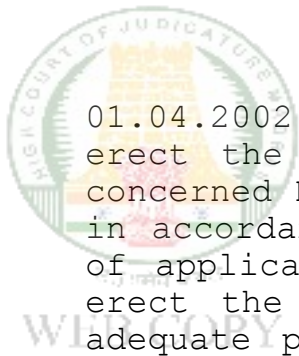
22. Keeping in mind the statement of Mr.Om Prakash, learned Senior counsel that his clients have approached the Officers concerned and they have not processed the request further, we direct Indus Towers Limited, Chennai, sixth respondent in W.P.No.15144 of 2017 and tenth respondent in W.P.No.7544 of 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 terms 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. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai, Thanjavur District.
2. The Inspector of Police
Vembakkotai Police Station,
Virudhunagar District.
3. The Inspector of Police
Chokkampatti Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.D.R.MURUGESAN, Advocate SR-85590.

+3 CC to M/s.R.G.SHANKAR GANESH, Advocate SR-85691, 85690 & 85692.

W.P. (MD) Nos.1240 & 7206 of 2018
and 19176 of 2019
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CS (30.09.2019) 4P 9C