IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 30TH DAY OF NOVEMBER 2020 / 9TH AGRAHAYANA, 1942

WP(C).No.21178 OF 2020(V)

PETITIONER:

INDUS TOWERS LIMITED,
8TH FLOOR, VANKARATH TOWER, PALARIVATTOM-682 024,
(REPRESENTED BY ITS HEAD-LEGAL MR.RAJKUMAR PAVOTHIL,
S/O.P.NARENDRAN, AGED 41 YEARS, RESIDING AT MIDHILA,
THAMARAKULANGARA, THRIPUNITHURA).

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

1 **THE STATION HOUSE OFFICER,**
KOLLAM WEST POLICE STATION, KOLLAM-691 001.

2 **THE DISTRICT POLICE CHIEF, KOLLAM,**
KOLLAM-691 001.

SRI BIMAL K NATH, SR GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.11.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, a company incorporated under the Companies Act, 1956 is engaged in offering passive infrastructure services to all telecom operators and other wireless service providers. The company has been issued with Ext.P1 building permit by the Kollam Municipal Corporation for the construction of a telecommunication tower falling in Sy. No.67/3 of Kollam West Village. While the company was engaged in the process of constructing the tower, they met with resistance from some unidentifiable persons. When work was disrupted, the petitioner approached the 1st respondent and requested for protection to enable them to carry out the work. According to them, no support was extended in spite of the fact that Telegraph and Telephone service has been declared as an essential service as per the Disaster Management Act, 2005 and also under the relevant provisions of the Essential Services Maintenance Act, 1968.

2. The petitioner refers to Exhibit P3 communication issued by the Chairman, Kerala State Telecom Disaster Coordination Committee whereby directions have been issued to the District Administration and the Police to provide support to the telecom infrastructure providers and also to support the personnel for carrying out installation and maintenance and also to the passive

infrastructure establishment and all other entities connected thereto. Instead of acting in terms of Exhibit P3, the Police are taking a lethargic attitude which gives an added impetus to antisocial elements to disrupt the work, contends the petitioner. They contend that due to the epidemic and containment issues, most of the people are forced to stay at home and work from home. Schools and Colleges are also closed, and the students are studying from home by utilising videoconferencing and other Internet facilities. According to the petitioner, infrastructure service providers provide the backbone and they are in the process of building infrastructure to cope up with the unprecedented demand for data to ensure that the entire population has access to Internet services for health, recreation and work without any disruption whatsoever. It is in the afore circumstances that the petitioner approached this Court seeking a direction to the respondents to provide adequate protection to the staff and employees of the petitioner to proceed with the construction of the telecommunication tower on the strength of Exhibit P1 permit without any threat, obstruction or hindrance from any person.

3. When this matter had come up for admission on 08.10.2020, this Court had granted an interim order as prayed for.

4. Today when the matter was taken up, Sri.P.Deepak, the learned counsel appearing for the petitioner submits that in terms of the interim order, the petitioner has been able to carry on with the work without obstruction. It is

submitted that the petitioner is proceeding with the construction after obtaining all necessary permits and licenses and that there is no interdiction from any court of law or any other authority.

5. The learned Government pleader submitted that effective protection is being granted to the petitioner to carry out the construction.

In view of the said submission, this Writ Petition is closed by making the interim order absolute.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

sru

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	A TRUE COPY OF THE OCCUPANCY CERTIFICATE DATED 30.09.2020 ISSUED BY KOLLAM MUNICIPAL CORPORATION.
EXHIBIT P2	A TRUE COPY (RELEVANT EXTRACT) OF THE PROCEEDINGS OF THE KOLLAM DISTRICT TELECOM COMMITTEE DATED 25.01.2017.
EXHIBIT P3	TRUE COPY OF THE COMMUNICATION DATED 24.03.2020 OF DEPARTMENT OF TELECOMMUNICATIONS, MINISTRY OF TELECOMMUNICATIONS, GOVERNMENT OF INDIA, ERNAKULAM, KERALA.
EXHIBIT P4	TRUE COPY OF THE COMPLAINT DATED 02.10.2020 FILED BEFORE THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE