

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.6412 of 2020

M/s. Indus Towers Limited,
Represented by its Assistant Legal Manager,
S. Prasanna (Male/A 46 years)
Having its circle office at 5(NP), ESPEE, IT Park,
Ekkatuthangal,
Chennai - 600 097. Petitioner

Vs

1. The Superintendent of Police,
District Police Office,
Coimbatore District.
2. The Inspector of Police,
Thudialur Police Station,
Coimbatore. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to provide the effective police protection to the petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical & electronics equipments, OFC cable and its maintenance work on the said BTS transmission Tower at Coimbatore District, S.P.Nagar, Koundampalayam in S.F.No.211/6 in Kannammal Nagar, measuring 857 sq.feet of land with building.

For Petitioner : Mr.R. Vivekananthan

For Respondents : Mrs.P.Kritika Kamal
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondents herein to provide police protection to the petitioner's company to erect transmission cell phone tower and to install all the telecommunication electrical & electronic equipments, OFC cable, etc. in S.F.No.211/6 at Kannammal Nagar, S.P.Nagar, Koundampalayam at Coimbatore District.

2. According to the petitioner, they are engaged in the business of operation and maintenance of mobile phone towers across India for all the mobile phone operators / service providers who are all licensed by the Government under Section 4 of the Indian Telegraph Act, 1885 on mutually agreed terms and conditions. They have also obtained license from the Department of Telecommunications, Government of India, to provide passive infrastructure to telecom service providers. In order to erect the cell phone tower in the property in question, the petitioner's company entered into a lease agreement with the land owner viz., Maheswari for a period of 15 years from 17.12.2019 and based on the said agreement, the land owner, company officials and other staffs visited the place many times in the month of March 2020. But in all those visits, some persons residing nearby came to that place and caused hindrance preventing the petitioner and others from proceeding with the construction. The petitioner has made a complaint to the second respondent police in this regard, but no action has been taken till date. Hence, this Criminal Original Petition.

3. The learned counsel for the petitioner has submitted that the petitioner, having obtained all necessary permission, is trying to build and erect the mobile phone tower in the land in question, to cater to the needs of mobile phone users residing in the locality, however, the same is objected to by some people, with an intention to extract money from them. He further submitted that on an earlier occasion, the petitioner has approached this Court for the very same relief in respect of another land by filing CrI.O.P.No.668 of 2017, in which, this Court passed an order on 16.03.2017 granting police protection to the petitioner. Thus he seeks for a similar direction in this Criminal Original Petition also.

4. Heard the learned Government Advocate (CrI.Side) appearing for the respondents and perused the entire materials available on record.

5. This Court disposed of CrI.O.P.No.668 of 2017 on 16.03.2017, in the following terms:

"Accordingly, the present Criminal Original Petition is disposed of directing the petitioner to make a fresh application to the respondents 1 and 3, with respect to the dates on which police protection is necessary for carrying out the work of mobile phone tower erection, within a period of two weeks from the date of receipt of a copy of this order. If such an application is received from the petitioner, the respondents 1 and 3 are directed to afford necessary police protection,

so as to enable the petitioner to complete the said work. It is made clear that the same shall be at the cost of the petitioner."

6.Following the aforesaid order, this Court is inclined to dispose of the present Criminal Original Petition on the same terms. Accordingly, the present Criminal Original Petition is disposed of directing the petitioner to make a fresh application to the respondents with respect to the dates on which police protection is necessary for carrying out the work of mobile phone tower erection, within a period of two weeks from the date of receipt of a copy of this order. If such an application is received from the petitioner, the respondents are directed to afford necessary police protection, so as to enable the petitioner to complete the said work. It is made clear that the same shall be at the cost of the petitioner.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
District Police Office,
Coimbatore District.
2. The Inspector of Police,
Thudialur Police Station,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Vivekananthan, Advocate Sr.24179

Cr1.O.P.No.6412 of 2020

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srg 28/07/2020