

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2020

Coram:

The Honourable Mr. Justice P.RAJAMANICKAM

Crl.O.P.No.30067 of 2019

ATC Telecom Infrastructure Pvt Ltd.,
represented by Authorised Signatory,
N. Senathipathi
"Celestial Point", No.45, Damodharan Street,
Opp. To T.Nagar Bus Stand, T.Nagar,
Chennai - 600 017. ... Petitioner

Vs.

- 1.The Deputy Commissioner of Police,
Villivakkam Range,
Chennai - 600 049.
- 2.The Assistant Commissioner of Police,
Villivakkam Range,
Mth Road, Villivakkam,
Chennai 600049.

- 3.The State,
Rep. By Inspector of Police (Law and Order),
V4-Rajamangalam Police Station,
1st Main Road, Kolathur,
Chennai-600 099. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to provide effective police protection to the petitioner's company to fully complete the erection of transmission cell phone tower and to install all the telecommunication electrical and electronic equipment's, cables at the open land admeasuring about 600 (20x30) Sq.ft out of the total land situated/comprised in Resurvey.No.14pt, Konnur Village & SRO, Purasawakkam-Perambur Taluk, Plot No.249, Door No.11/16, North Chennai registration Dist-82 on the basis of the complaint dated 11.10.2019 vide Postal Receipt dated 12.10.2019.

For Petitioner : Mr.J. Ravikumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioner which is the Company involved in erection of cellphone tower has come forward with this petition seeking police protection.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioner relied on the decision of a Division Bench of this Court in W.P.Nos.24976 of 2008 etc., batch cases and the decision of a learned Single Judge of this Court in Crl.O.P.(MD).Nos.12596 to 12599 of 2014 and 12601 of 2014 would submit that without any basis their activities cannot be stopped.

4. The law regarding establishment of cellphone tower has already been dealt with in the judgments referred supra. In the absence of any illegality or unlawful activities, no one can interfere with the lawful activities of a person concerned. If there is any objection for construction and erection of cellphone tower, the objector will have to work out his remedy in the manner known to law instead of preventing the person concerned from putting up construction, which is legally entitled to do so.

5. For the reasons stated above, there shall be a direction to the 2nd respondent police to provide police protection to the petitioner for erection of the cell phone tower. The 2nd respondent police shall ensure that the entire process goes on in a smooth manner, without giving rise to any law and order problem.

6. Accordingly, this Criminal Original Petition is disposed of with a direction to the respondents to give adequate police protection, if there is no legal impediments.

Sd/-

Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

gv

To

1.The Deputy Commissioner of Police,
Villivakkam Range,
Chennai - 600 049.

2.The Assistant Commissioner of Police,
Villivakkam Range,
Mth Road, Villivakkam,
Chennai 600049.

3.The State,
Rep. By Inspector of Police (Law and Order),
V4-Rajamangalam Police Station,
1st Main Road, Kolathur,
Chennai-600 099.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J. Ravikumar, Advocate SR.No.8169

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NRL(CO)
GMY(18/02/2020)