

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10137 of 2021

ATC Telecom Infrastructure Pvt Ltd.,
Represented by Authorized Signatory
N.Senathipathi
"Celestial Point", No.45,
Damodharan Street,
T.Nagar, Chennai 600 017.

... Petitioner

Versus

1.The District Collector
Collectorate,
GST Road, Chengalpattu District
Chengalpattu 603 001.

2.The Deputy Commissioner of Police
St.Thomas Mount
DCP Office St.Thomas Mount
Chennai 600 016.

3.The State
Rep.by Inspector of Police (Law & Order)
S6-Sankar Nagar Police Station
Pammal, Chennai 600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 & 3 to forthwith 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 equipments, cables at the terrace space admeasuring about 350 Sq.ft., out of total building situated/comprised in S.F.No.157, Old Village No.128, 99 & 87, New Village No.1, Kalaivanar Street, Kennadi Nagar, Anakaputhur Village, Pammal SRO, South Chennai Registration Dist, Kancheepuram District 600 070, on the basis of the complaint filed by the petitioner dated 03.03.2021, since the deemed permission to install the BTS transmission Tower was granted by the first respondent as per the G.O.(MS).No.1, Information Technology (B4) Department dated 21.02.2018, by implementing the Indian Telegraph Right of way Rules, 2016, notified by the Government of India, Ministry of Communications, Department of Telecommunication vide No.G.S.R.No.1070 (E) dated 15.11.2016.

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 third respondent police to provide police protection to the petitioner for erection of the cell phone tower. The third respondent police shall ensure that the entire process goes on in a smooth manner, without giving rise to any law and order problem and the petitioner shall pay a cost of Rs.10,000/- (Rupees Ten thousand only) to the respondent police towards police protection.

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 (CCC)

//True Copy//

Sub Assistant Registrar

dna

To

1.The District Collector
Collectorate,
GST Road, Chengalpattu District
Chengalpattu 603 001.

2.The Deputy Commissioner of Police
St.Thomas Mount
DCP Office St.Thomas Mount
Chennai 600 016.

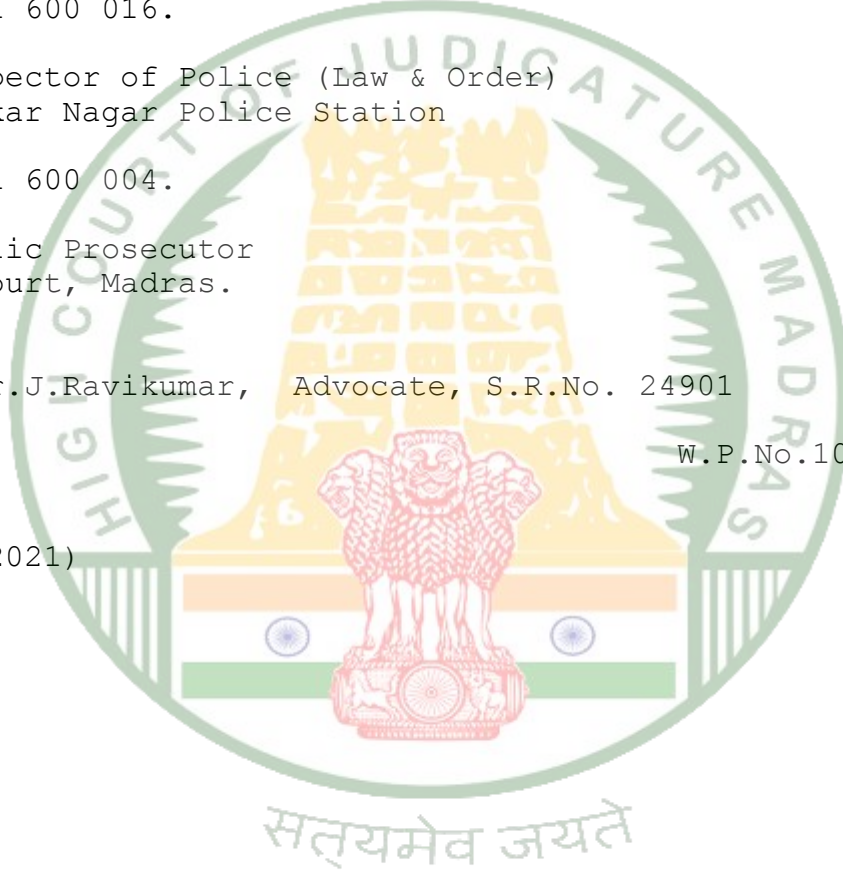
3.The Inspector of Police (Law & Order)
S6-Sankar Nagar Police Station
Pammal
Chennai 600 004.

4.The Public Prosecutor
High Court, Madras.

+1cc to Mr.J.Ravikumar, Advocate, S.R.No. 24901

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GN(07/07/2021)



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