

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10291 of 2021

M/s.Indus Towers Limited
having its circle office at
5(NP), ESPEE, IT Park,
5th Floor, Jawaharlal Nehru Road
Ekkatuthangal, Chennai 600 097.
represented by its Assistant Legal Manager
S.Prasanna. Petitioner

Versus

- 1.The Superintendent of Police
District Police Office, Nagapattinam.
- 2.The Deputy Superintendent of Police
Nagapattinam Sub Division, Nagapattinam.
- 3.The Inspector of Police
Nagapattinam Town Police Station.
- 4.The District Collector
District Collector Office,
Nagapattinam.
- 5.The Tahsildar
Nagapattinam Taluk Office,
Nagapattinam.
- 6.The Municipal Commissioner
Nagapattinam. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a writ, order, declaration more particularly in the nature of a Writ of Mandamus, directing the respondents 1 to 3 to provide the effective police protection to the petitioner 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 T.S.No.1112, No.4/16, Balipeeda Street, Sattiyappar South, Rice Mill, Nagapattinam-611 001 and direct the

respondents 4 to 6 co-operate with respondents 1 to 3 as per the letter dated 20.04.2020 vide Lr.No.DDG (Technology)/TN-LSA/DM/COVID-19/20-21/02 issued by the Government of India, Ministry of Communications, Department of Telecommunication to the Secretary (IT) Government of Tamil Nadu, copy to Chief Secretary and DGP of Police, Tamil Nadu.

For Petitioner : Mr.T.N.Karthikeyan

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 Superintendent of Police
District Police Office, Nagapattinam.
- 2.The Deputy Superintendent of Police
Nagapattinam Sub Division, Nagapattinam.
- 3.The Inspector of Police
Nagapattinam Town Police Station.
- 4.The District Collector
District Collector Office,
Nagapattinam.
- 5.The Tahsildar
Nagapattinam Taluk Office,
Nagapattinam.
- 6.The Municipal Commissioner
Nagapattinam.
- 7.The Public Prosecutor
High Court, Madras.

+1cc to M/s.T.N.Karthikeyan, Advocate Sr.24891

W.P.No.10291 of 2021

rp[co]
srg 06/07/2021