

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11239 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

Vs.

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

... Respondents

PRAYER: Writ petition filed under Article 226 of Constitution of India praying to issue 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 S.F.No.363/2, Pudur Village, Sakkarvallikadu EB Nagar, Garvambarai Road, Erode - 638002, and direct the respondents 4 to 6 to 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

Telecommunications to the Secretary (IT) Government of Tamil Nadu, copy to Chief Secretary and DGP of Police, Tamil Nadu.

For Petitioner : Mrs. Surasika Parthasarathy
For Respondents: Mr. A.Damodaran
Counsel for Govt. of Tamilnadu
(Crl.side)

ORDER

This petition is filed to issue 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 S.F.No.363/2, Pudur Village, Sakkarvallikadu EB Nagar, Garvambarai Road, Erode - 638002, and direct the respondents 4 to 6 to 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 Telecommunications to the Secretary (IT) Government of Tamil Nadu, copy to Chief Secretary and DGP of Police, Tamil Nadu.

2. The main grievance of the petitioner is that though they got necessary permission from the concerned Authorities to erect a mobile tower on the property at S.F.No.363/2, Pudur Village, Sakkarvallikadu EB Nagar, Garvambarai Road, Erode - 638002, the residents in and around the said property are preventing the petitioner from erecting the mobile phone tower.

3. It is the submission of learned counsel for the petitioner that though a complaint to the third respondent and a representation to the first and second respondent was submitted by the petitioner to take appropriate action, the same has not been considered till date.

4. In the facts and circumstances, there shall be a direction to the respondents 1 to 3 to provide adequate police protection to the petitioner for erection of the cell phone tower on the property at S.F.No.363/2, Pudur Village, Sakkarvallikadu EB Nagar, Garvambarai Road, Erode - 638002. The third respondent police shall ensure that the entire process goes smoothly without giving raise to any law and order problem. The petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the third respondent police towards police protection. The respondents 4 to 6 shall co-operate with the respondents 1 to 3.

5. This writ petition is disposed of with the above directions. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bkn
To

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

W.P.No.11239 of 2021

BR(CO)
SP(13/07/2021)

सत्यमेव जयते

WEB COPY