



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.20871 of 2021

&

WMP No.22137 of 2021

M/s. Ascend Telecom Infrastructure Private Limited
Represented by its Authorized Signatory,
Mr.Tamilselvan,
Old No.32, New No.54,
Butt Road, St Thomas Mount,
Near Kathipara Junction,
Chennai - 600 016.

... Petitioner

Vs

1. The Commissioner of Police,
Tiruppur District.
2. The Inspector of Police,
Vellakovil Police Station,
Tiruppur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to provide adequate police protection of the petitioner company and its staff and subordinates to erect, commissioning of equipments and to radiate the transmission tower at the lease site namely Site ID No. 0011887, property being portion of the land 2200 Sq.Ft out of 2452 3/4 Sq.Ft situated at Re-Survey No. 814/A1A (New Survey No.814/A1A3 Currently by sub division) (old Survey No. 814/A), Vellakovil Village, Kangeyam Taluk, Tiruppur District, Vellakovil Sub Registration District, Tiruppur Registration District.

For Petitioner : Mr.A.M.Venkatakrisshnanan

For Respondents : Mr.A.Damodharan,
Addl. Public Prosecutor.



ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the respondents to provide adequate police protection of the petitioner company and its staff and subordinates to erect, commissioning of equipments and to radiate the transmission tower at the lease site namely Site ID No. 0011887, property being portion of the land 2200 Sq.Ft out of 2452 3/4 Sq.Ft situated at Re-Survey No. 814/A1A (New Survey No.814/A1A3 Currently by sub division) (old Survey No. 814/A), Vellakovil Village, Kangeyam Taluk, Tiruppur District, Vellakovil Sub Registration District, Tiruppur Registration District.

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 has to workout 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 second respondent police to provide police protection to the petitioner for erection of the cell phone tower. The second 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 Writ Petition is disposed of with



a direction to the respondents to give adequate police protection, if there is no legal impediments. No Costs.

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Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mpl

To

1. The Commissioner of Police,
Tiruppur District.
2. The Inspector of Police,
Vellakovil Police Station,
Tiruppur.

W.P.No.20871 of 2021
&
WMP No.22137 of 2021

PVS (CO)
SU (27/10/2021)