



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.21489 of 2021

Indus Towers Limited  
Rep.by its Authorized Signatory  
Mr.S.Prasanna,  
No.5, ESPEE IT Park,  
5<sup>th</sup> Floor, Jawaharlal Nehru Road,  
Ekkatuthangal,  
Chennai -600 097.

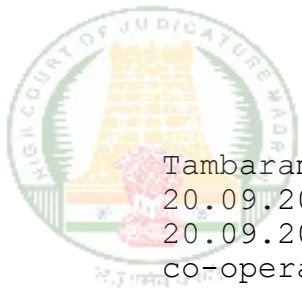
...Petitioner

Versus

1. The Commissioner of Police,  
Greater Chennai.
2. The Deputy Commissioner of Police,  
St.Thomas Mount Range, Greater Chennai.
3. The Assistant Commissioner of Police,  
Selayur Range, Greater Chennai.
4. The Inspector of Police,  
Selayur Police Station, Greater Chennai.
5. The District Collector,  
Chengalpattu District.
6. The Commissioner,  
Tambaram Municipality, Chengalpattu District.
7. The Tahsildar,  
Tambaram Taluk,  
Chengalpattu District

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents 1 to 4 to provide necessary police protection to the petitioner for their mobile phone tower works at the premises being about 500 sq.ft of land at Plot No.57, in S.F.Nos.233/1 & 234/1, Agaramthen Village, Tambaram Taluk, Chennai - 600 126, situated in Chengalpattu District and within



Tambaram Municipality Limits, on the representation dated 20.09.2021, under online reference No.BTS21138407 dated 20.09.2021 and direct the respondents 5 to 7 to render necessary co-operation to the respondents 1 to 4 in the matter.

WEB COPY

For Petitioner : Mr.S.Anil Sandeep

For Respondents : Mr.R.Vinoth Raja  
Gov. Advocate (Crl.Side)

#### ORDER

This petition has been filed for the issuance of a Writ of Mandamus, directing the Respondents 1 to 4 to provide necessary police protection to the petitioner for their mobile phone tower works at the premises being about 500 sq.ft of land at Plot No.57, in S.F.Nos.233/1 & 234/1, Agaramthen Village, Tambaram Taluk, Chennai - 600 126, situated in Chengalpattu District and within Tambaram Municipality Limits, on the representation dated 20.09.2021, under online reference No.BTS21138407 dated 20.09.2021 and direct the respondents 5 to 7 to render necessary co-operation to the respondents 1 to 4 in the matter.

2.The case of the petitioner is that the petitioner is engaged in the business of Operation and Maintenance of Mobile phone towers across India for all the mobile phone operators/service providers providing broadband Internet services and other allied services. For the said purpose, cell phone tower is going to be erected. The petitioner had also entered into a lease agreement with the owner of the property and had taken steps to install the cell phone tower. Already, the Government of Tamil Nadu has granted exemption to all the Telecom companies to install the cell phone towers by virtue of Government Order passed in G.O.Ms.No.2, dated 01.04.2002.

3.When the petitioner attempted to erect the cell phone tower, some people with vested interest claiming to be neighbours have been causing hindrance and preventing the workers from carrying out the construction work. In this regard, the petitioner gave a complaint to the 4<sup>th</sup> respondent on 20.09.2021, seeking police protection. However, the 4<sup>th</sup> respondent had not acted upon the said complaint and therefore, the present Petition has been filed.

4.The learned counsel appearing for the petitioner would submit that the issue involved in this petition is covered by the earlier Judgments of this Court. The learned counsel brought to the notice of this Court the order passed by this Court in Crl.O.P.No.16618 of 2018 dt.28.06.2018.



"2.The learned counsel for the petitioner would submit that the petitioner's company had the contract agreement for installation of cell phone tower with M/s.Indus Towers Limited, a company registered under the provisions of Indian Companies Act, 1956. It is further submitted by the learned counsel for the petitioner that whenever the petitioner's company attempted to erect transmission cell phone tower, publics are causing interference. The learned counsel for the petitioner also submitted that by order dated 05.03.2015, the Honourable First Bench of this Court, in W.P.Nos.24976 of 2008 and etc., batch, held that because of the advancement in the science, no one has prevented to erect cell phone towers. It is also submitted that the petitioner has given a complaint dated 24.02.2016 to the first respondent police seeking police protection, for which C.S.R.No.42 of 2016 and since the same has not been considered so far, he has come up with the present petition for the relief stated supra.

4. Considering the facts and circumstances of the case, the petitioner is directed to send a fresh representation to the respondent and on receipt of the same, the respondent is directed to consider the representation to be submitted by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of one week from the date of receipt of copy of this order.

6. This Court has consistently taken the view that no one can be prevented from erecting the cell phone towers on a mere apprehension about the effect of radiation from the cell phone tower. The apprehension does not have a scientific backing. Till a positive finding is given in this regard, cell phone towers cannot be prevented to be installed on mere apprehensions.



7. For the reasons stated above, there shall be a direction to the 4<sup>th</sup> respondent police to provide police protection to the petitioner for erection of the cell phone tower. The 4<sup>th</sup> respondent police shall ensure that the entire process goes on in a smooth manner, without giving rise to any law and order problem.

8. This writ petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Commissioner of Police,  
Greater Chennai.
2. The Deputy Commissioner of Police,  
St.Thomas Mount Range, Greater Chennai.
3. The Assistant Commissioner of Police,  
Selaiyur Range, Greater Chennai.
4. The Inspector of Police,  
Selayur Police Station, Greater Chennai.
5. The District Collector,  
Chengalpattu District.
6. The Commissioner,  
Tambaram Municipality, Chengalpattu District.
7. The Tahsildar,  
Tambaram Taluk, Chengalpattu District.
8. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Anil Sandeep, Advocate, S.R.No.55695

W.P.No.21489 of 2021

GPL[co]  
NSK 30/11/2021