



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.04.2021

Delivered on : 21.05.2021

CORAM:

THE HONOURABLE **MR. JUSTICE G. ILANGO VAN**

WEB COPY

W.P. (MD) Nos. 6643, 6645, 6646, 6648, 6650, 6657, 6660, 6662, 6664, 6666, 7884, 7887, 7889, 7890, 8027, 8030, 8442 and 8483 of 2021

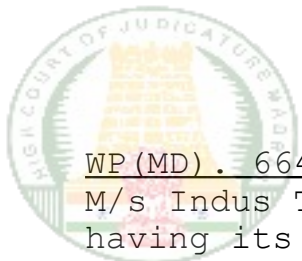
W.P. (MD) No. 6643 of 2021

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, Thanjavur.
2. The Deputy Superintendent of Police,
Vallam Sub Division, Thanjavur.
3. The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
4. The District Collector,
District Collector Office, Thanjavur.
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue 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 and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Thanjavur District, Puliyanthoppu Vattam, No.78, Puliyanthoppu, in S.F.No.130/2A limit and direct the fourth respondent 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 Tamilnadu, copy to Chief Secretary and DGP of Police, Tamilnadu.



WP(MD). 6645/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasannan ... Petitioner

- Vs. -

1. The Superintendent of Police, District Police Office ,
Thanjavur. .
2. The Deputy Superintendent Of Police, Vallam Sub Division,
Thanjavur.
3. The Inspector of Police , Thanjavur Taluk Police Station,
Thanjavur.
4. The District Collector, District Collector Office, Thanjavur.
... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Thanjavur District , No.9, mahesh Nagar Pattukottai Bye-pass Road, Thalavapalayam Village in Punjay S.F.No.431/3. The said Property presently Patta No.1598 sub divided in New S.F.No.431/13, and direct the 4th Respondent 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.

WP(MD). 6646/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner



Vs.

1. The Superintendent of Police, District Police Office , Tenkasi.
2. The Deputy Superintendent Of Police,
Alangulam Sub Division, Tenkasi.
3. The Inspector of Police, Surandai Police Station, Tenkasi.
4. The District Collector, District Collector Office, Tenkasi.
... Respondents

Prayer:

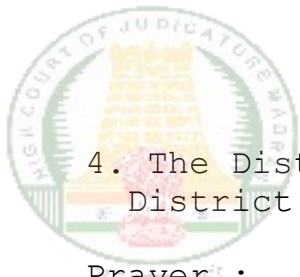
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of Writ of Mandamus directing the respondents 1 to 3 to provide the effective police protection to the petitioner company to erect transmission cell phone tower and to install all the telecommunication electrical and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Tenkasi District , Sivagurunathapuram Village in S.F.No.29/6B and S.F.No.29/6C, Door No.17-9-6(3), Amman Sannathi Surandai., and direct the 4th Respondent 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.

WP(MD). 6648/ 2021:

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

Vs.

1. The Superintendent of Police, District Police Office ,
Tirunelveli.
2. The Deputy Superintendent Of Police,
Ambasamudram Sub Division, Tirunelveli
3. The Inspector of Police, Vk Puram Police Station,
Tirunelveli



4. The District Collector,
District Collector Office, Tirunelveli. ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Tirunelveli District , Vikramasingapuram Post, Adayakarunkulam Village , South Street , SF.No.164/89,164/98,164/99. , and direct the 4th Respondent 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.

WP(MD). 6650/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Thanjavur.
 2. The Deputy Superintendent Of Police,
Pattukottai Sub Division, Thanjavur
 3. The Inspector of Police, Peravorani Police Station, Thanjavur.
 4. The District Collector, District Collector Office, Thanjavur.
- ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Thanjavur District , Peravurani Taluk,. Nattanikottai Village , Patta No.364 in S.F.No.40/4B., and direct the 4th Respondent 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.

WP (MD). 6657/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Trichy.
2. The Deputy Superintendent Of Police,
Lalgudi Sub Division Trichy.
3. The Inspector of Police, Samayapuram Police Station, Trichy.
4. The District Collector,
District Collector Office, Trichy. ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Trichy dist Lalgudi taluk, S.F.no. 91/1 sub division in S.F.no. 91/1A1 Plot no. 15 Vallalar Nagar, Akiladapuram, and direct the 4th Respondent 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.

WP (MD). 6660/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.

1. The Superintendent of Police,
District Police Office, Thanjavur.
2. The Deputy Superintendent Of Police,
Pattukottai Sub Division, Thanjavur.
3. The Inspector of Police, Adiramapattinam Police Station,
Thanjavur.



4. The District Collector, District Collector Office, Thanjavur.
... Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Adirampattinam Town, Thandalkara Street at Bharthiyar Street, Natham S.F.no. 351/56, 351/60 Bharathiyar St, Adirampattinam, Pattukottai Taluk, Thanjavur dist-614 701 and direct the 4th Respondent 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.

WP(MD). 6662/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna.

.... Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Tenkasi.
2. The Deputy Superintendent Of Police,
Alangulam Sub Division, Tenkasi.
3. The Inspector of Police, Surandai Police Station, Tenkasi.
4. The District Collector, District Collector Office,
Tenkasi.

... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Tenkasi Dist, Vinayagarkoil St, Surandai, S.F.no. 1410/1B, 1410/2, 1410/3A the said property is in Keelapavur Panchayat Union limit and direct the 4th Respondent 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.

WP(MD). 6664/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.

1. The Superintendent of Police,
District Police Office, Tirunelveli.
2. The Deputy Superintendent Of Police,
Valliyur Sub Division, Tirunelveli.
3. The Inspector of Police,
Koodankulam Police Station, Tirunelveli.
4. The District Collector, District Collector Office,
Tirunelveli. ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Tirunelveli Dist Koodankulam, Indra Nagar, S.F.no. 358/18, Re Survey No. 358(3D2A) and direct the 4th Respondent 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.

WP(MD). 6666/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner



Vs.

1. The Superintendent of Police, District Police Office, Virudhunagar.
 2. The Deputy Superintendent Of Police, Virudhunagar Sub Division, Virudhunagar.
 3. The Inspector of Police, Amathur Police Station, Virudhunagar.
 4. The District Collector, Dist Collector Office, Virudhunagar.
- ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ , order , declaration more particularly in the nature of 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 and electronics equipments , OFC Cable and its maintenance work on the said BTS transmission Tower at Virudhunagar Dist Sivakasi Taluk, Vellur village P.no.698 in S.F.no. 170/11 and direct the 4th Respondent 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.

WP(MD). 7884/ 2021

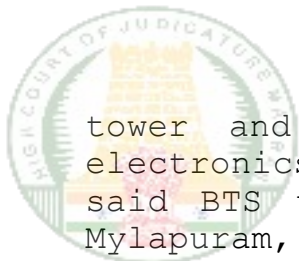
M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Tenkasi.
 2. The Deputy Superintendent Of Police, Alangulam Sub Division, Tenkasi.
 3. The Inspector of Police, Pavorchatram Police Station, Tenkasi District.
 4. The District Collector, District Collector Office, Tenkasi.
- ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, Order declaration more particularly in the nature of 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 and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at S.F.No. 200/2A, Avudaiyanar Road, Mylapuram, Tenkasi-627 808, Tenkasi Panchayat Union Audayanur village limit, and direct the 4th respondent to co-operate with respondents 1 to 3 as per the letter dt 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.

WP(MD). 7887/ 2021

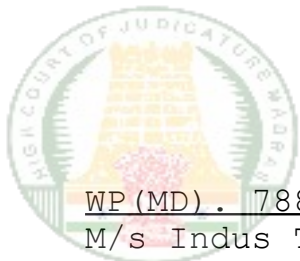
M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Trichy.
 2. The Deputy Superintendent Of Police,
Jeeyapuram Sub Division, Trichy.
 3. The Inspector of Police, Somarasampet Police Station,
Trichy District.
 4. The District Collector, District Collector Office, Trichy.
- ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, Order declaration more particularly in the nature of 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 and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at S.F.No. 239/20A1, Kaliamman st, No.2/101-1, MunicifTheru, Allithurai, Adavathur (east), Somarasampettai, Srirangam, Tiruchirappalli - 620 102, and direct the 4th respondent to co-operate with respondents 1 to 3 as per the letter dt 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.



WP(MD). 7889/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna.

... Petitioner

Vs.

1. The Commssioner of Police, Commssioner of Police Office,
Trichy City.
2. The Deputy Commissioner of Police, Cantonment ACP Office,
Trichy City.
3. The Inspector of Police, Edamalaipattiputher Police Station,
Trichy.
4. The District Collector, District Collector Office, Trichy.

... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, Order declaration more particularly in the nature of 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 and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at S.F.No. 203/4B, No. 15/3, new Colony, Edamalaipudur, Trichy - 620 012, and direct the 4th respondent to co-operate with respondents 1 to 3 as per the letter dt 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.

WP(MD). 7890/ 2021:

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

.... Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Trichy.
2. The Deputy Superintendent Of Police,
Manapparai Sub Division, Trichy.



3. The Inspector of Police, Manapparai Police Station,
Trichy District.
4. The District Collector, District Collector Office, Trichy.
... Respondents

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Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, Order declaration more particularly in the nature of 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 and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at 613/1, New S.no 31 Arokiam St, Nochimedu, Manjampatti Post, Manapparai, Trichy - 621 307, and direct the 4th respondent to co-operate with respondents 1 to 3 as per the letter dt 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.

WP(MD). 8027/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna.
... Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Karur.
2. The Deputy Superintendent Of Police,
Karur Town Sub Division, Karur.
3. The Inspector of Poice, Vengamedu Police Station, Karur.
4. The District Collector, District Collector Office, Karur.
5. The Tahsildar, Karur Taluk Office, Karur District.
6. The Revenue Divisional Officer, Karur District .

... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at S.F.No.147/2, Kongu nagar, 1st cross, Vengamedu, Karur -639006., and direct the respondents 4 to 6

<https://hcservices.ecourts.gov.in/hcservices/>



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 Tamilnadu, copy to chief Secretary and DGP of Police, Tamil Nadu.

WP(MD). 8030/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.

1. The Superintendent of Police, District Police Office, Karur.
 2. The Deputy Superinendent Of Police,
Kulithalai Sub Division, Karur.
 3. The Inspector of Poice, Kulithalai Police Station, Karur.
 4. The District Collector, District Collector Office, Karur.
 5. The Tahsildar, Kulithalai Taluk Office, Karur District.
 6. The Revenue Divisional Officer, Kulithalai Kaluk Karur District.
- ... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court 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 and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at S.F.No.55/2, No.182, Anna nagar, 3rd Cross, Plot no 14, Kulithalai, Karur - 639 104 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 Tamilnadu, copy to chief Secretary and DGP of Police, Tamil Nadu.

WP(MD). 8442/ 2021

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna. Petitioner

Vs.



1. The Superintendent of Police,
District Police Office, Virudhunagar.
2. The Deputy Superintendent Of Police,
Rajapalayam Sub Division, Virudhunagar.
3. The Inspector of Police, Seithur Police Station,
Rajapalayam, Virudhunagar.
4. The District Collector, District Collector Office,
Virudhunagar.

... Respondents

Prayer in WP(MD). 8442/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, Order, Declaration more particularly in the nature of 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 and electronics equipments, OFC cable and its maintenance work on the said BTS transmission Tower at S.F.No.363/924, (Patta No.3370) ThondaimanTheru, Seithur, Rajapalayam, Virudhunagar 626 121 and direct the 4th respondent 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 Tamilnadu, copy to chief Secretary and DGP of Police, Tamil Nadu.

WP(MD). 8483/ 2021:

M/s Indus Towers Limited,
having its Circle Office at 5(NP), ESPEE IT Parl,
5th Floor, Jawaharlal Nehru Road,
Ekkattuthangal,
Chennai -600 097,
represented by its Assistant Legal Manager,
S.Prasanna.

.... Petitioner

Vs.

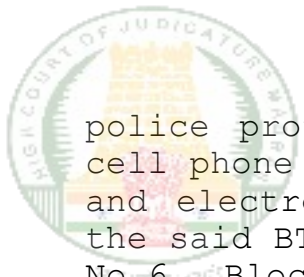
1. The Superintendent of Police, District Police Office,
Thanjavur.
2. The Deputy Superintendent Of Police, Thanjavur Sub Division,
Thanjavur.
3. The Inspector of Police, Town South Police Station,
Thanjavur District.
4. The District Collector, District Collector Office, Thanjavur.

... Respondents

Prayer :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 to 3 to provide the effective

<https://hcservices.ecourts.gov.in/hcservices/>



police protection to the petitioner company to erect transmission cell phone tower and to install all the telecommunication electrical and electronics equipments, OFC Cable and its maintenance work on the said BTS transmission Tower at Thanjavur District and Town, Ward No.6, Block No. 65, Pookara 1st St., T.S.No. 2778/2, Thanjavur Corporation limit, and direct the 4th respondent to cooperate with respondents 1 to 3 as per the letter dt. 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 Tamilnadu, copy to chief Secretary and DGP of Police, Tamil Nadu.

For Petitioner : Mr.K.Govindarajan
for Mr.M.Karal Marx

For Respondents : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

COMMON ORDER

The batch of writ petitions has been filed seeking similar orders. In this batch, the writ petitions are grouped into three categories. In the first group, permission letters have been sent to the respective District Collectors for installing the cellphone towers in the respective areas mentioned in the permission letters. The second group consists of the writ petitions in which proper permission letters were not sent to the respective District Collectors seeking permission for installing the cellphone towers and the third group consists of the writ petitions in which the permission has already been granted by the respective Districts Collectors for installing the cellphone towers. All these cases were heard together and now the petitions are disposed of in batches, as per above category.

2.W.P(MD) No.6643 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Thanjavur District, Puliyanthoppu Vattam, No.78, Puliyanthoppu, in S.F.No.130/2A limit, as per the letter dated 20.04.2020.

3.W.P(MD) No.6645 of 2021 has been filed seeking a direction to respondents 1 to 3 to erect transmission cell phone tower at Thanjavur District, No.9, Mahesh Nagar, Pattukottai Bye-pass Road, Thalavapalayam Village, in Punjay S.F.No.431/3 and the said Property presently Patta No.1598 sub divided in New S.F.No.431/13, as per the letter dated 20/04/2020.

4.W.P(MD) No.6646 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Tenkasi District, Sivagurunathapuram Village, in S.F.No.29/6B and S.F.No.29/6C, Door



No.17-9-6(3), Amman Sannathi Surandai, as per the letter dated 20/04/2020.

5.W.P(MD) No.6648 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Tirunelveli District, Vikramasingapuram Post, Adayakarunkulam Village, South Street, SF.No.164/89 164/98 164/99, as per the letter dated 20/04/2020.

6.W.P(MD) No.6650 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Thanjavur District, Peravurani Taluk, Nattanikottai Village, Patta No.364 in S.F.No.40/4B, as per the letter dated 20/04/2020.

7.W.P(MD) No.6657 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Trichy District, Lalgudi Taluk, S.F.No. 91/1, sub division in S.F.No. 91/1A1, Plot No. 15, Vallalar Nagar, Akiladapuram, as per the letter dated 20/04/2020.

8.W.P(MD) No.6660 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Adirampattinam Town, Thandalkara Street at Bharthiyar Street, Natham S.F.no. 351/56 351/60, Bharathiyar St, Adirampattinam, Pattukottai Talu,k Thanjavur District-614 701 as per the letter dated 20/04/2020.

9.W.P(MD) No.6662 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Tenkasi District, Vinayagarkoil Street, Surandai, S.F.No. 1410/1B 1410/2 1410/3A and the said property is in Keelapavur Panchayat Union limit as per the letter dated 20/04/2020.

10.W.P(MD) No.6664 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Tirunelveli District, Koodankulam Indra Nagar, S.F.No. 358/18, Re Survey No. 358(3D2A), as per the letter dated 20/04/2020.

11.W.P(MD) No.6666 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at Virudhunagar District, Sivakasi Taluk, Vellur village, P.No.698 in S.F.No. 170/11, as per the letter dated 20/04/2020.

12.W.P(MD) No.7884 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police



protection to erect transmission cell phone tower at S.F.No. 200/2A, Avudaiyanar Road, Mylapuram, Tenkasi-627 808, Tenkasi Panchayat Union, Audayanur village limit, as per the letter dated 20/04/2020.

13.W.P(MD) No.7887 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at S.F.No. 239/20A1 Kaliyamman Street, No.2/101-1, MunicifTheru, Allithurai, Adavathur (east), Somarasampettai, Srirangam, Tiruchirappalli - 620 102, as per the letter dated 20/04/2020.

14.W.P(MD) No.7889 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at S.F.No. 203/4B, No. 15/3, New Colony, Edamalaipudur, Trichy - 620 012, as per the letter dated 20/04/2020.

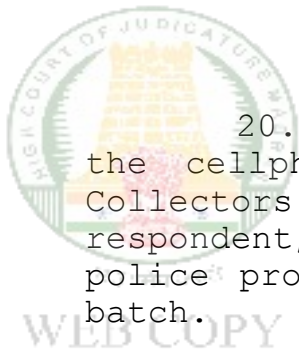
15.W.P(MD) No.7890 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at 613/1 New S.No 31, Arokiam Street, Nochimedu, Manjampatti Post, Manapparai, Trichy - 621 307, as per the letter dated 20/04/2020.

16.W.P(MD) No.8027 of 2021 has been filed seeking a direction to the directing the respondents 1 to 3 to provide the effective Police protection to erect transmission cell phone tower at S.F.No.147/2, Kongu Nagar, 1st cross, Vengamedu, Karur -639006, as per the letter dated 20/04/2020.

17.W.P(MD) No.8030 of 2021 has been filed seeking a direction to the directing the respondents 1 to 3 to provide the effective Police protection to erect transmission cell phone tower at S.F.No.55/2, No.182, Anna Nagar, 3rd Cross, Plot No.14, Kulithalai, Karur - 639 104, as per the letter dated 20/04/2020.

18.W.P(MD) No.8442 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide the effective police protection to erect transmission cell phone tower at S.F.No.363/924, (Patta No.3370) ThondaimanTheru, Seithur, Rajapalayam, Virudhunagar-626121, as per the letter dated 20.04.2020.

19.W.P(MD) No.8483 of 2021 has been filed seeking a direction to the respondents 1 to 3 to provide effective police protection to erect transmission cell phone tower at Thanjavur District and Town, Ward No.6, Block No.65, Pookara 1st Street, T.S.No. 2778/2, Thanjavur Corporation limit, as per the letter dated 20.04.2020.



20. In these writ petitions, permission letters for installing the cellphone towers were not sent to the respective District Collectors and the representations have been given only to the third respondent, who is the Police Official, for the purpose of giving police protection. These writ petitions are disposed off in the batch.

21. The information and communication have become life line of life on the earth. The gadgets have become inevitable appendages of the human body.

22. Nothing moves without signal. Sometimes movements are frozen as like that one happened in the recent past elsewhere in the world. The Kerala High Court and Supreme Court have even declared that access to Internet is a fundamental right. So, demand in the field grows in a rocket speed but the infrastructure at the snails speed. The gap is widening. This batch of cases will stand in testimony that demand can never be met. But at the same time, the process of installation, operation and maintenance of cellphone towers in a country, which is governed by a Rule of law, has to necessarily undergo strict scrutiny and compliance of rules and regulations to the hilt. Except the age old Indian Telegraph Act and the subsequent Government Orders and Letters, no other Law or Rule is available governing this field for establishing the over-ground installations.

23. In the background of the above situation, the grievance of the petitioner and the stand of the State Government must be addressed.

24. As I mentioned earlier, in all the cases the prayer or relief are very simple, but the problems not. It is the case of the petitioner that permission by the respective District Collectors is deemed to have been granted as per Rule 10(3) of the Indian Telegraph Right of Way Rules, 2016 and the said rule runs like this:-

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made under Rule 9-

(a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge or compensation, subject to the provisions of the Act and these Rules; or

(b) reject the application for reasons to be recorded in writing;

provided that no application shall be rejected unless the applicant licensee has been given an opportunity of being heard on the reason for such rejection;



Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under clause (a) or reject the application under clause (b) and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

25.As per this rule, according to the petitioner, it has to be taken that the permission deemed to have been granted by the respective District Collectors. As such, since they are experiencing or expecting trouble from some of the villagers in that area, they are entitled for police protection. The petitioner has also produced a number of orders that have been passed by this Court in the recent past.

26.Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor would submit that this provision will not come to the aid of the petitioner, as held in W.P.No.7544 of 2017 and 15144 of 2019 by the Hon'ble Division Bench of this Court dated 22.08.2019. But the learned counsel for the petitioner would submit in reply that the rules framed by the Central Government in the aforesaid Indian Telegraph Right of Way Rules, 2016 was considered by the Hon'ble Division Bench in the aforesaid judgment. The learned Single Judge of this Court in W.P(MD) No.12971 of 2020, dated 16.10.2020, has taken into account this Rule and has accorded police protection.

27.It is the further submission of Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor that this Rule will not apply to the private buildings, but only the guidelines given in G.O(Ms) No.2, Information Technology Department, dated 01.04.2002, hold the field and unless these guidelines are being strictly complied by getting proper permission from the respective District Collectors, they are not entitled to get police protection on the mere asking.

28.In the light of the rival submissions, the question, which arises for consideration is whether the petitioners are entitled for police protection as prayed for in all these petitions.

29.As rightly pointed out by the learned Additional Public Prosecutor the right to get police protection is not automatic at the mere asking. They have to comply the requirements that have been set out in the Government Orders and the clarificatory letters issued in this regard.

30.Hence, we will shortly survey the Government Orders and clarificatory letters. For that purpose, we can straight away take the judgment of the Hon'ble Division Bench in W.P.No.7544 of 2017 and 15144 of 2019. The issue in that case was whether it is mandatory on the part of the cell phone operators to take prior



permission from the authorities concerned?. This was the issue in earlier writ petition in W.P(MD) No.22190 of 2017, in which the Hon'ble Division Bench extracted the relevant Government Orders in this regard.

31. The first Government Order is G.O(MS) No.2, Information Technology Department dated 01.04.2002. This is the base and ground Government Order. It was made specifically applicable only to Government Offices and buildings. The said Government Order reads as under:-

ABSTRACT

Information Technology - Setting up of Base Transreceiver Station lowers and installation of equipment for telecommunication - networks - Leasing of space in government offices on a non-exclusive basis to any licenced telecom company on certain prescribed terms and conditions Orders-Issued.

INFORMATION TECHNOLOGY DEPARTMENT

G.O.Ms.No.2

Dated: 1-04-2002

- 1) G.O.Ms.No.7, Information Technology department, dated 12.02.2001.
- 2) From Tvl Reliance Infocom Limited, Chennai, letter Ref.No.2375/IT/2001- 02, dated 29.1.2002.

ORDER:

In the G.O first read above, consolidated policy guidelines were issued specifying terms and conditions for the grant of centralised permission for the use of public right of way by any private or public sector applicant that proposes to lay optic fibre cables in the National and State Highways and other roads in Tamil Nadu.

2. Tvl. Reliance Infocom Limited, who have been given centralised permission to lay optic fibre cables in Tamil Nadu, have indicated that in order to maximise the coverage throughout the State, permission is required for renting / leasing out Government land / Government buildings for putting up Base Transreceiver Station Towers (BTS Towers) at technically feasible locations. The company has also requested the Government to grant exemption to it from observing side set back rules of Chennai Metropolitan Development Authority / Directorate of Town and Country Planning for the BTS towers which are



only temporary structures and to apply the rules only in the cases of construction of buildings for BTS equipment room, Diesel Generator Set room etc.

3. The Government after careful consideration and detailed examination, have decided to issue general permission to any licenced telecom company providing infocom service's to the end users, on a non-exclusive basis subject to certain terms and conditions.

4. Accordingly, the Government hereby accord permission to any licenced telecom company and which is committed to the cause of Government of Tamil Nadu to install its Base Stations consisting of Tower equipment room and generator room, on roof top or on the ground of premises and buildings belonging to Government of Tamil Nadu, subject to availability and technical feasibility on a non-exclusive basis and also subject to the following terms and conditions:-

i) Permission for installing lowers, equipment and generator etc., on case to case basis will be issued by the district Collectors concerned in consultation with the district is concerned,

ii) Availability of space of 4.5 Mts x 4,5 Mts.

iii) Technical feasibility - Building should be structurally strong to take a load of 3.5 MT to 6.0 MT depending on the height of tower.

iv) A . Telecom company providing infocom services and is desirous of utilising the Government premises / buildings for installing the base stations, should comply with all the regulations and stipulations including that of the Ministry of Civil Aviation, Government of India, in installation of the Base stations. All clearances / permissions, required in the process of establishing the base stations are to be obtained by such company.

v) Permission may be given on non-exclusive basis.

vi) The future extension / expansion of building /premises may be kept in mind,

vii) Permission may be granted initially for a period of 10 (ten) years.

viii) Damages caused, if any, shall be rectified by such company and bring back to original condition and to the satisfaction of the authorities concerned.

ix) Leasing of the premises or buildings to such company should not be detrimental to the daily routine and activities of the Office or Offices concerned.

x) Appropriate rent shall be charged from such company.

xi) Exemption shall be given to the telecom companies from side set back rules of Chennai Metropolitan Development



Authority / Directorate of Town and Country Planning for the BTS Towers and the said rules shall be applicable only to the construction of buildings.

5. This order issues with the concurrence of Housing & Urban development, Revenue and Public Works departments.

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(BY ORDER OF THE GOVERNOR)

VTVEK HARINARAIN
SECRETARY TO GOVERNMENT

32.Later, G.O.Ms.No.302, Housing and Urban Development Department, dated 12.12.2012 has been issued making clarification to the effect that G.O.Ms.No.2, Information Technology Department, dated 01.04.2002, will be made applicable to the private buildings and lands also. The said G.O., reads as under:

ABSTRACT

Urban Development - Installation of the Base Transreceiver Station Towers in all the land use zones in the Master plan- permission- orders- Issued.

Housing and Urban Development (UD4.2) Department
G.O. (Ms).No.302 Dated: 12.12.2002

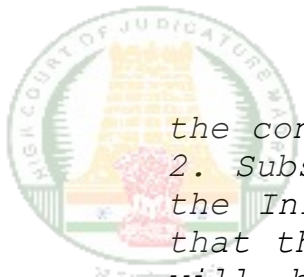
- 1) G.O. (Ms).No.1730, Rural Development and Local Administration Department, dated 24.04.1974.
- 2) G.O. (Ms).No.2, Information and Technology Department, dated 01.04.2002
- 3) Government Lr.No.237/I&T/2002-2, Information Technology Dept., dated 09.05.2002.
- 4) From the Special Commissioner of Town and Country Planning, Lr.Roc. No.13287/2002/BA1, dated 03.06.2002 and 17.07.2002.
- 5) Government Lr.No.237/IT/2002/2 Information Technology Department dated 18.09.2002.

ORDER:

In the Government Order second read above, the Information Technology Department had issued orders permitting any licenced telecom company to install Base Transreceiver Station Towers, equipment room and generator room on roof top or on the ground of premises and building belonging to Government on certain terms and conditions. Orders were also issued by the Government that exemption shall be given to such telecom companies from following the side set back rules of Chennai Metropolitan Development

<http://www.judis.nic.in> Authority / Director of Town and Country Planning for installation of Base Transreceiver station Towers and applicability of the said rules only to

<https://hcservices.ecourts.gov.in/hcservices/>



the construction of buildings.

2. Subsequently, in the Government letter third read above, the Information Technology Department has further clarified that the exemption given in G.O.(Ms.).No.2, dated 01.04.2002 will be applicable not only for the Base Transreceiver Station Towers to be installed on roof top or on the ground of premises and buildings belonging to Government of Tamilnadu but also for the Base Trans receiver Station Towers to be installed on private land / buildings.

3. In the letter fifth read above, the Information Technology Department while issuing certain amendments to paras 4 and 5 of Government Order second read above has directed Municipal Administration and Water Supply Department and Rural Development Department to issue necessary orders exempting under Tamilnadu District Municipalities Building Rules and Multistoreyed and Public Building Rules 1973; under G.O.164, Municipal Administration and Water Supply Department, dated 15.06.94 and G.O.(Ms.) No.22, Municipal Administration and Water Supply Department, dated 30.01.97 against restricting the height of the Buildings / structures / Base Trans Receiver Station Towers within the Heritage Zone of the Heritage Towns and under G.O.(Ms.)No.1730, Rural Development and Local Administration Department dated 24.07.74 allowing the Base Trans Receiver Station Towers in all the land use Zones.

4.As regards the issue of allowing the Base Trans Receiver Station Towers in all the land use zones, the Special Commissioner of Town and Country Planning in his letter fourth read above has reported that as per the Government Order first read above only permissible uses specified in each use zone as per the Master Plan can be permitted. He has requested that since there is no provision at present in the Master Plan for permitting the Base Trans receiver Station towers, a separate Government Order for permitting Base Trans Receiver Station Towers in all land use zone in the master plan may be issued by the Government.

5.The Government after careful examination accept the proposal of the Special Commissioner of Town and Country Planning and accordingly direct that the installation of Base Trans receiver station Towers shall be permitted in all the land use zones in the master plan.

33.Thereafter, G.O.Ms.No.177, Municipal Administration and Water Supply Department, dated 17.12.2002, was also passed in respect of establishment of cell phone towers in heritage town areas. It has been mentioned that exemption will be made applicable subject to the height restrictions in the heritage towns in respect of the Madurai Corporation Area. Later, a clarificatory Letter No.5742-C3-2008-6, dated 26.03.2009 has been issued stating that



Corporation, Municipality and Local Bodies need not insist upon duty permission from the cell phone companies for the purpose of erecting BTS Towers.

34. So, it was ordered by the Hon'ble Division Bench that permission has to be obtained from the Authority under G.O.Ms.No.177, Municipal Administration and Water Supply Department, dated 17.12.2002, in which G.O.Ms.No.2, Information Technology Department dated 01.04.2021 is also relied.

35. On 01.06.2013, the Department of Telecommunication has issued guidelines for issuance of clearance for installation of mobile towers and the Hon'ble Division Bench of this Court has also extracted the entire guidelines in its order in W.P.Nos.7544 of 2017 and 15144 of 2019. Subsequently, on 01.08.2013, the Department of Telecommunication has also issued Advisory Guidelines to the State Government for the purpose of issuing clearance for installation of mobile towers, which are extracted in paragraph No.12 of the judgment cited supra. The additional guidelines issued on 01.08.2013 are also extracted in paragraph No.13. Since all these guidelines have been extensively extracted in the aforesaid judgment, the same need not be repeated once again in this order. Later, as I mentioned earlier, notification dated 15.11.2016 was issued by the Government of India, Ministry of Communication, which is called as Indian Telegraph Right of Way Rules, 2016.

36. A revised guideline was issued vide G.O.Ms.No.1, Information Technology(B4) Department, dated 21.02.2018, wherein in paragraph No.3, it has been specifically mentioned that the Indian Telegraph Right of Way Rule 2016, applies only to installation of mobile towers under or upon the immovable property vested in or under the control or management of any appropriate authority, which means that the above said Indian Telegraph Right of Way Rules, 2016 will not apply to cell phone towers installed upon private land and buildings. Let me extract the relevant para in the above said G.O., :-

3. The Government of India has notified the "Indian Telegraph Right of Way Rules 2016" to regulate underground Telegraph infrastructure (optical fibre) and overground Telegraph infrastructure (mobile towers) under/upon any immovable property vested in or under the control or management of any appropriate authority, in the Gazette notification 4th read above. Among other things, the Rules stipulate that every application for establishment of telegraph infrastructure, shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate authority by may, general order deem fit and the appropriate authority shall within a period not exceeding sixty days from the date of application, grant permission



on such conditions including, but not limited to, payment of restoration charge, as may be specified, subject to the provisions of the Act and these rules (or) reject the application for reasons to be recorded in writing.

37. So, the Hon'ble Division Bench of this Court has observed that the guidelines in G.O.Ms.No.2, Information Technology Department, dated 01.04.2002, will continue to apply for the installation of mobile towers in private buildings and lands also. According to the Hon'ble Division Bench, only the guidelines in G.O.Ms.No.2, Information Technology Department, dated 01.04.2002, rules the field. The petitioner is bound to get proper permission from the respective authorities concerned, before erecting the cellphone towers in the private buildings and lands.

38. Now, as I mentioned earlier, the main argument on the side of the petitioner is the deeming permission clause in Rule 10(3) of the aforesaid Indian Telegraph Right of Way Rules, 2016. Since even after expiry of sixty days mentioned in the Rule, the respective District Collectors have not passed any orders either rejecting or permitting their request. So, automatically the permission must be taken to have been granted. Hence, the question which arises for consideration is whether such an argument is acceptable.

39. D.O. Letter No.132515/IT (B4)/2019, dated 26.08.2019, addressed to a District Collector makes the position very clear and also answering the arguments advanced by the learned counsel for the petitioner and the said letter runs like this:-

D.O. Letter No.132515/IT (B4)/2019, dated 26.08.2019

Sub: Information Technology Department -Right of Way permission for laying Optical Fibre Cable (OFC) and Cellphone Towers- Further action requested - Regarding.

Ref: 1. G.O(Ms) No.2, Information Technology Department dated 01.04.2002.
2. Government Letter No.237/IT/2002, dated 18.09.2002
3. G.O.Ms.No.1, IT Department, dated 21.02.2018.

I am to invite your attention to the reference 3rd cited, wherein, orders have been issued, among other things, directing

The District Collectors in respect of all Districts and the Commissioner for Greater Chennai Corporation in respect of Chennai be designated as the Nodal Officers for the respective jurisdictions and authorized to issue Right of Way (RoW) permissions for overground Telecom Infrastructure (Towers) and



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underground Telecom Infrastructure (OFC) in respect of all areas in the Districts (including Highways, Public Works Department, Forest etc.,) under the provisions of Indian Telegraph Right of Way Rules, 2016.

The existing guidelines as per G.O.(Ms) No.2, Information Technology Department dated 01.04.2002, for installation of Overground Telecom Infrastructure (Towers) in private Buildings, be continued since these are not covered by the Indian Telegraph Right of Way Rules, 2016.

2. In view of the above, I am to request you to abide by the instructions issued in G.O.(Ms) No.1, IT Department, dated 21.02.2018 for grant of Right of Way permission for laying OFC and for erection of cellphone towers. I am also to request you to send a monthly status report on Right of Way (RoW) permissions to Government in the template attached herewith.

40. Reading of the above said Government Letter, clearly shows that the Indian Telegraph Right of Way Rules, 2016 does not apply to the private buildings. In the back drop let us see the rule 5 of the aforesaid rules, which will make the position more clearer, extracted below:-

5. Application by a licensee. - (1) A licensee shall, for the purposes of establishment of

telegraph infrastructure under any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that authority in such form and manner as may be specified by that appropriate authority.

(2) The information along with supporting documents to be provided by the licensee in the application made under sub-rule (1) shall include

(i) a copy of the license granted by the Central Government;

(ii) the details of underground telegraph infrastructure proposed to be laid;

(iii) the mode of and the time duration for, execution of the work;

(iv) the time of the day when the work is expected to be done in case the licensee expects the work to be done during specific time of the day;

(v) the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the licensee;

(vi) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to



mitigate such inconvenience;

(vii) the specific measures proposed to be taken to ensure public safety during the execution of the work;

(viii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and

(ix) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority:

Provided that the licensee shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

(3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate authority may, by general order, deem fit:

Provided that such fee to meet administrative expenses shall not exceed one thousand rupees per kilometer.

41.This reading will fix the argument advanced on the side of the petitioner. So, G.O.Ms.No.2, Information Technology Department, dated 01.04.2002 must be strictly complied with. This letter clarifies the position as that one mentioned in G.O.Ms.No.1, dated 21.02.2012. The argument on the side of the petitioners that Indian Telegraph Right of Way Rules, 2016 will apply to private building and lands also and as per rule 10(3) of the Indian Telegraph Right of Way Rules, 2016, permission deemed to have been granted, cannot be accepted. Unfortunately, it appears that G.O.Ms.No.1, dated 21.01.2021 was not brought to the notice of this Court, while passing order in W.P(MD) No.12971 of 2019. So, the petitioner cannot be take advantage of the order passed in the aforesaid writ petition. It has been fairly admitted by the learned Additional Public Prosecutor that it was not properly brought to the notice of this Court at that time.

42.So, the discussion made above makes the position very clear to that effect that the petitioner should obtain permission from the respective District Collectors for the purpose of installing the mobile towers in the respective areas as mentioned in their petitions. It is the duty of the respective District Collector to process the petition with promptness and the result should be informed to the petitioner. Hence, no permission applications were submitted, so even the question of directing permission will not arise.



43. In view of the above, these Writ Petitions are disposed of with the following directions:-

(I) The petitioner is directed to make fresh and proper applications to the District Collectors/fourth respondent in all these petitions, in terms of G.O.Ms.No.2, Information Technology Department, dated 01.04.2002, seeking permission for erecting the cellphone tower within a month from the date of receipt of a copy of this order.

(ii) The result must be intimated to the petitioner within a week thereafter.

(iii) Depending upon the outcome of the applications, the petitioner is at liberty to make proper fresh representation seeking police protection, if any necessity arises mentioning the facts, circumstances and necessity.

(iii) If such request or representation is made by the petitioner, the respective Inspector of Police are hereby directed to consider the same on merits and give police protection, if permission is granted by the respective District Collectors for installing mobile phone towers in the respective areas immediately as mentioned in these petitions.

44. With these directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp
To

1. The Superintendent of Police,
District Police Office, Thanjavur.

2. The Superintendent of Police,
District Police Office, Tenkasi

3. The Superintendent of Police,
District Police Office, Tirunelveli.

4. The Superintendent of Police,
District Police Office, Trichy.

5. The Superintendent of Police,
District Police Office, Virudhunagar.



6.The Superintendent of Police,
District Police Office, Karur.

7.The Commissioner of Police,
Commissioner of Police Office, Trichy City

8. The Deputy Superintendent of Police,
Vallam Sub Division, Thanjavur.

9.The Deputy Superintendent of Police,
Alangulam Sb Division, Tenkasi.

10. The Deputy Superintendent of Police,
Ambasamudram Sub Division, Tirunelveli.

11.The Deputy Superintendent of Police,
Pattukottai Sub Division, Thanjavur.

12. The Deputy Superintendent of Police,
Lalgudi Sub Division, Trichy.

13.The Deputy Superintendent of Police,
Valliyur Sub Division, Tirunelveli.

14. The Deputy Superintendent of Police,
Virudhunagar Sub Division, Virudhunagar.

15.The Deputy Superintendent of Police,
Jeeyapuram sub Division, Trichy.

16. The Deputy Superintendent of Police,
Manapparai Sub Division, Trichy.

17. The Superintendent of Police, Karur Town Sub Division, Karur.

18.The Deputy Superintendent of Police,
Rajapalayam Sub Division, Virudhunagar.

19. The Deputy Superintendent of Police,
Thanjavur Sub Division, Thanjavur.

20.The Deputy Superintendent of Police,
Cantonment ACP Office, Trichy City.

21. The Inspector of Police,
Thanjavur Taluk Police Station, Thanjavur.

22. The Inspector of Police, Surandai Police Station, Tenkasi.



23. The Inspector of Police, V.K. Puram Police Station, Tirunelveli.
24. The Inspector of Police, paravoorani Police station, Thanjavur.
25. The Inspector of Police, Samayapuram Police Station, Trichy.
26. The Inspector of Police,
Adiramapattinam Police Station, Thanjavur.
27. The Inspector of Police,
Koodankulam Police Station, Tirunelveli.
28. The Inspector of Police, Amathur Police Station, Virudhunagar.
29. The Inspector of Police, Pavoorchatram Police Station, Tenkasi.
30. The Inspector of Police, Somarasnpet Police Station, Trichy.
31. The Inspector of Police,
Edamalaipattiputhur Police Station, Trichy.
32. The Inspector of Police, manapparai Police station, Trichy.
33. The Inspector of Police, Vengamedu Police Station, Karur.
34. The Inspector of Police, Seithur Police station,
Rajapalayam, Virudhunagar.
35. The Inspector of Police,
Town South Police Station, Thanjavur District.
36. The District Collector, District Collector Office, Thanjavur.
37. The District Collector, District Collector Office, Tenkasi.
38. The District Collector, District Collector Office, Tirunelveli.
39. The District Collector, District Collector Office, Trichy.
40. The District Collector, District Collector Office, Virudhunagar.
41. The District Collector, District Collector Office, Karur.
42. The Tahsildar, Karur Taluk Office, Karur District.
43. The Revenue Divisional Officer, Karur District.
44. The Deputy Superintendent of Police,
Kulithalai Sub Division, Karur.



45. The Inspector of Police,
Kulithalai Police Station, Karur District.

46. The Tahsildar Kulithalai Taluk Office, Karur.

47. The Revenue Divisional Officer, Kulithalai Taluk Karur.

+18 CC to M/s.T.N.KARTHIKEYAN, Advocate (SR-18585 to 18602)

order made in
W.P.(MD) Nos. 6643, 6645, 6646, 6648, 6650, 6657,
6660, 6662, 6664, 6666, 7784, 7887, 7889,
7890, 8027, 8030, 8442 and 8483 of 2021
21.05.2021

DKS (CO)

TR(23.06.2021) 30P 66C