



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.09.2021
CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P.(MD)No.15602 of 2021 and
WMP(MD) No.12550 of 2021

WEB COPY

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 Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Shenkottai Town Police Station,
Tirunelveli.

Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide adequate police protection to the petitioner company and its staff and subordinate to erect, commissioning of equipments and to radiate the transmission tower at the lease site namely Site ID No.0011453, property being portion of the land 400 sq.ft out of 484.38 sq.ft situated at New Survey No.L.2.69, Door No.141/64, Arignar Anna Street, New Ward No.17, 3rd Street, Tirunelveli District, Shenkottai Taluk, Shenkottai Town, Shenkottai Sub Registration District, Thenkasi Registration District.

For Petitioner : Mr.A.M.Venkatatkrishnan

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This petition is filed seeking direction to the respondents to provide adequate police protection to the petitioner company and its staff and subordinate to erect, commissioning of equipments and to radiate the transmission tower at the lease site namely Site ID No.0011453, property being portion of the land 400 sq.ft out of



484.38 sq.ft situated at New Survey No.L.2.69, Door No.141/64, Arignar Anna Street, New Ward No.17, 3rd Street, Tirunelveli District, Shenkottai Taluk, Shenkottai Town, Shenkottai Sub Registration District, Thenkasi Registration District.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that based upon the representation made by the petitioner, enquiry was undertaken in CSR No.234 of 2021 and during the course of the enquiry, it was found that the petitioner has not obtained any permission from the District Collector concerned. The petitioner has made a statement that he will erect cell phone tower after obtaining necessary permission from the authority. On the basis of the above said statement given by the petitioner, it was closed on 24.04.2021.

3. Since the enquiry was closed on 24.04.2021, on the basis of the statement given by the petitioner, nothing survives for further consideration in this petition. The petitioner has to obtain proper permission from the concerned District Collector for the purpose of erecting cellphone tower. At this juncture, granting of police protection does not arise. So, after obtaining proper permission, the petitioner may give fresh representation, if any necessity arises for granting police protection. Also, the petitioner has to comply with the G.O.Ms.No.2 dated 01.04.2002.

4. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintendent of Police,
Tirunelveli District.



2.The Inspector of Police,
Shenkottai Town Police Station,
Tirunelveli.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RD(16.09.2021) 3P 4C