



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.21180 of 2021

M/s.ATC Telecom Infrastructure Private Ltd.,
Rep. By its Authorised Signatory,
N.Senathipathi, Legal Manager,
Having Circle Office at "Celestial Point",
No.45, Damodharan Street,
Opp. to T.Nagar Bus Stand,
T.Nagar, Chennai - 600 017.

... Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Thuckalay police station,
Thuckalay,
Kanyakumari District.

3.The District Collector,
District Collector Office,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 to provide 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 on the property of Mr.Thanulingam, S/o.Kumaraswami, bearing old S.No.2087, S.No.432/17, lying and situated at Thakkalai Village, Kalkulam Taluk, Kanyakumari District, as per the complaint dated 09.11.2021.

For Petitioner : Mr.K.Govindarajan for
M/s.KARAL MARX M

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



2. 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. The petitioner has given an application on 20.09.2021 to the third respondent for installation of telecom infrastructure with allied equipments at old S.No.2087, S.No.432/17, lying and situated at Thakkalai Village, Kalkulam Taluk, Kanyakumari District. The said application is yet to be processed. Since the petitioner has also been encountering resistance in almost every place of work, they have been filing writ petitions before this Court for being provided with police protection for carrying out their works. Those writ petition have been disposed of with certain directions. One such order dated 21.05.2021 made in W.P.(MD)No.4714 of 2021 etc. batch has been enclosed in the typed set. In consonance with the said order, this writ petition is disposed of in the following directions:-

i) The application dated 20.09.2021 submitted by the petitioner to the third respondent shall be disposed of by the third respondent within a month in accordance with the guidelines issued by the Government from time to time.

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

iii) Depending upon the outcome of the permission application, the petitioner is at liberty to make proper representation for taking police protection, if any necessity arises mentioning the facts and circumstances and necessity.

iv) If such request or representation is made by the petitioner, the respondent police is hereby directed to consider the same on merits and give police protection, if permission is granted by the District Collector for installing mobile phone towers in the area as mentioned in this writ petition, immediately.

No costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

csn/mga

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,
District Police Office,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Thuckalay police station,
Thuckalay,
Kanyakumari District.

3.The District Collector,
District Collector Office,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.M.KARALMARX, Advocate (SR-36641[F] dated 30/11/2021)

W.P. (MD)No.21180 of 2021
29.11.2021

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RS (01.12.2021) 3P 5C