



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.1032 of 2022

1.M/s.Indus Towers Limited,
having its circle office at 5 (NP) ESPEE, IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai 600 097.
Rep. by its Assistant Legal Manager,
S.Prasanna. ...Petitioner.

Vs

- 1.The Superintendent of Police
District Police Office,
Tiruvarur.
- 2.The Deputy Superintendent of Police,
Muthupettai Sub- Division,
Tiruvarur District.
- 3.The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.
- 4.The District Collector,
District Collector Office,
Tiruvarur.
- 5.The Tahsildar,
Muthupettai, Tiruvarur.
- 6.The Executive Officer,
Muthupettai Town Panchayat, Tiruvarur. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, 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 Tiruvarur District, Thiruthuraipoondi Taluk, Muthupet, No.82, Thuraikadu Revenue



Village, Bakkirivadi Street in Old S.F.No.231/3 in New S.F.No.231/3A1, Patta No.1922 subdivided in New S.F.No.231/3A1B., and direct the Respondents 4 to 6 to co-operate with Respondents 1 to 3.

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For Petitioner : Mr.T.N.Karthikeyan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

(The case has been heard through video conferencing)

This petition has been filed for the issuance of 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 Tirukazhukundram Taluk and Panchayat Union Eahankarani Panchayat limit Karumarappakkam Village patta No.165 in S.F. No.296 /11 an extent of measuring Acr 0.42 Cents of land and direct the Respondents 4 to 6 to co-operate with respondents 1 to 3.

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 3rd respondent on 10.08.2021, seeking police protection. However, the 3rd 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



5.It will be appropriate to extract the relevant portions of the order in CrI.O.P.No.16618 of 2018, which is extracted hereunder:-

3. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. With the above directions, this Criminal Original Petition is disposed of."

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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 3rd respondent police to provide police protection to the petitioner for erection of the cell phone tower. The 3^d respondent police shall ensure that the entire process goes on in a smooth manner, without giving raise to any law and order problem.

8. This writ petition is disposed of with the above direction. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police
District Police Office,
Tiruvarur.
2. The Deputy Superintendent of Police,
Muthupettai Sub- Division,
Tiruvarur District.
3. The Inspector of Police,
Muthupettai Police Station,
Tiruvarur.
4. The District Collector,
District Collector Office, Tiruvarur.
5. The Tahsildar, Muthupettai, Tiruvarur.
6. The Executive Officer,
Muthupettai Town Panchayat, Tiruvarur.
7. The Public Prosecutor, High Court of Madras.

+1 cc to Mr. T.N. Karthikeyan, Advocate Sr. NO. 5371

W.P.No.1032 of 2022

MG(CO)
A.SK(09.02.2022)