



WEB COPY



W.P.No.10042 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.10042 of 2023

M/s.Ascend Telecom Infrastructure Private Ltd.,
Rep. by its Authorized Signatory,
Mr.Tamilselvan,
Having Office address at
Old No.32, New No.54, Butt Road,
St Thomas Mount, Near Kathipara Junction,
Chennai

... Petitioner

Vs.

1. The Inspector of Police,
Rathnagiri Police Station,
Ranipet District.
2. The Superintendent of Police,
Municipality campus, Muthukadai,
Ranipet, Tamil Nadu – 632 401.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and the 2nd respondents to provide effective police protection to the petitioners company and its staff, subordinate and to erect transmission cell phone tower in for the property located in, item 1: Walaja Taluk Kilminnal Village, Nattam S.F. No.45/A2 , Perumal Kovil Street, bearing door No.90 which is bounded south of street



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north of Thruvenkatasami Vigaiyara Thoppu, west of Ramanathan Mudaliyar house, east of Sivasankara Mudaliyar remaining land in middle measuring east west 24 ½ feet, North South 111 feet total measuring 2719 ½ sq.feet of land .

Item II : Vellore District Walaja Taluk, Kilminnal Village, Nattam S.F.No.45A/2 (new patta No.646/4) Perumal Kovil Street item 1 : which is bounded south of Perumal Kovil Street, North of plot, west of Mr.S.Shanmugam House, east of common land in middle measuring east west 8. ¼ feet, North South on both sides 60 feet total measuring 495 Sq.Feet of land. II Item south of plot, North of Udayakumar Vigaiyara Thoppu, west of S.Shanmugam house in middle of measuring east west 9. ¼ feet, north south on both sides 51 feet, total measuring 472 sq. Feet, both total measuring 967 Sq.Feet an equivalent 89.87 sq.Meter of land. I item and II item total measuring 3686.50 Square feet of land. On the basis of the representation sent by the petitioner dated 09.03.2023.

For Petitioner : Mr.M.Karpagam

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 and 2 to provide effective police protection to the petitioners company and its staff, subordinate and to erect transmission cell phone tower for the property situated in Kilminnal Village based on the



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representation dated 09.03.2023.

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2. It is the case of the petitioner that the petitioner, company engaged in Telecom business has entered into a lease deed for laying of tower with the property owners over the schedule mentioned property and started laying down the foundation. The petitioner claims that it holds all necessary licences and approval for laying down the tower. However, the local people prevented them from proceeding with the laying of tower. Hence the petitioner / company has sent a representation dated 09.03.2023 seeking Police protection to the respondents. Since no response is forthcoming, the petitioner has come forward with the present writ petition seeking the aforesaid relief.

3. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the respondents to consider the petitioner's representation dated 09.03.2023 and pass appropriate orders within the time frame that may be fixed by this Court.

4. Learned Additional Government Pleader appearing for the



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respondents has no objection for the said order being passed.

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5. Considering the limited request sought for by the petitioner, this Court without going into the merits of the case directs the first respondent to verify as to whether the petitioner obtained necessary permission and licence from the authority concerned for erection of tower and upon verification, the first respondent shall consider the petitioner's representation dated 09.03.2023 and pass appropriate orders on merits and in accordance with law if it is otherwise in order and after affording an opportunity of hearing to the petitioner as well as the aggrieved persons if any within a period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

31.03.2023

Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation Case : Yes / No
(rap)



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To

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M.DHANDAPANI, J.

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