



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2023

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.31504 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 – 600 016.

... Petitioner

Vs

1. The District Collector,
Collectorate Kallakurichi – 606206.
2. The Superintendent of Police,
Kallakurichi – 606202.
3. The Inspector of Police,
Pagandaikootusalai Police Station,
Kallakurichi District – 605801.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to grant permission to the petitioner by considering the petitioner-s application KKI23600472 dated 28.06.2023 for the mobile phone tower erection and operation work of the petitioner at the premises being a portion of land of 1200



Sq. feet vacant land out of the 1833 sq feet comprised in new survey No. 155/2 old survey No. 41A/6 of land property at Kallakurichi Registration district, Sankarapuram sub registration district, in the boundary of Kallakurichi district, Sankarapuram Taluk, Ariyalur Village, in the light of the order passed by this Court in W.P (MD) No.12971 of 2020 dated 16.10.2020 and consequently, direct the second and third respondents to provide necessary police protection to the petitioner for their mobile phone tower erection and operation work in the said premises.

For Petitioner : Ms.M.Karpagam

For Respondents : Mr.U.M.Ravichandran (R1)
Special Government Pleader
Mr.Leonard Arul Joseph Selvam(R2 & R3)
Government Advocate (Crl.side)

ORDER

Read this order in conjunction with and in continuation of order dated 02.11.2023 that reads as follows:

“Mr.J.C.Durairaj, learned Additional Government Pleader accepts notice for R1 and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl.side) accepts notice for R2 and R3.

2. The prayer of the petitioner is for a mandamus directing the District Collector, Kallakurichi District/R1 to grant permission to the petitioner by



considering the petitioner's application bearing No.KKI23600472 dated 28.06.2023 for erection of mobile phone tower and operation thereof at new Survey No.154/2 old Survey No.41A/6, Kallakurichi Registration District, Sankarapuram Sub-Registration District, Sankarapuram Taluk, Ariyalur Village.

3. The petitioner relies upon an order passed this Court in W.P.No.12971 of 2020 dated 16.10.2020, consequentially seeking a direction to R2 and R3, being Superintendent of Police, Kallakurichi and Inspector of Police, Pagandaikootusalai Police Station, Kallakurichi District to provide protection for the erection of mobile phone tower and operation thereof.

4. Mr. Selvam would submit that he has instructions to report a law and order problem in that vicinity and he would hence assure the Court that needful will be done in terms of averting any further law and order problem as well as providing necessary protection to the petitioner to erect the tower and carry on necessary work in that connection.

5. He seeks a weeks' time to convey the aforesaid order and to obtain up-to-date instructions in this regard.

6. At his request, list on 09.11.2023 at the end of admission list.”

2. Today, learned counsel for the petitioner would confirm the position that post filing of the Writ Petition, the District Collector, Kallakurichi/R1 has granted



permission for erection of mobile phone tower and operation thereof at S.No. 155/2 old survey No. 41A/6 of land property at Kallakurichi Registration district, Sankarapuram sub registration district, in the boundary of Kallakurichi district, Sankarapuram Taluk, Ariyalur Village. All that remains is for R1 to afford sufficient protection to the petitioner to continue with the work.

3.Mr.Selvam, upon being apprised of this position would accede to the fact that police protection is liable to be granted in order to ensure that there is no law and order problem in that area.

4.Thus, mandamus is issued to R2 and R3 to provide necessary police protection to the petitioner for erection of mobile phone tower and operation thereof.

5.This Writ Petition stands disposed in the aforesaid terms. No costs.

10.11.2023

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Index : Yes / No

Speaking Order:Yes

Neutral Citation:Yes



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To

1. The District Collector,
Collectorate Kallakurichi – 606206.
2. The Superintendent of Police,
Kallakurichi – 606202.
3. The Inspector of Police,
Pagandaikootusalai Police Station,
Kallakurichi District – 605801.



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DR.ANITA SUMANTH, J.

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