



W.P.(MD).No.14714 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

CORAM

**THE HONOURABLE MR. JUSTICE G.ILANGO VAN**

W.P.(MD).No.14714 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 16.

.. Petitioner

*Vs.*

- 1.The Superintendent of Police,  
Thanjavur District, Thanjavur.
- 2.The Inspector of Police,  
Town South Police Station,  
Sachidhananda, Sachidananda Mooppanar Road,  
Thanjavur District.
- 3.The District Collector,  
Thanjavur District,  
Thanjavur.

... Respondents

(3<sup>rd</sup> Respondent was *suo motu* impleaded as third respondent in this matter vide order of this Court dated 22.06.2023, in W.P.(MD).No.14714 of 2023)

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the 1<sup>st</sup> and the 2<sup>nd</sup> respondents



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to provide effective police protection to the petitioners company and its staff

Subordinate and to erect transmission cell phone tower in property being a portion of 600 sq.feet of vacant land out of 7350 Sq.ft. of land property at Thanjavur Registration district, Makarnonbuchavadi sub registration district, in the boundary of Thanjavur Town, Municipal Ward No.6 (Nanchikottai Vattam), Town Survey Nos.3286, 3298, 3299 “Parisutham Nagar” in LP (TT No.119/80 in Plor No.34, registered as Document No. 3267/1984, Sale deed dated 12.12.1984, based on the complaint dated 21.03.2023, with C.S.R.No.154 of 2023.

For Petitioner : M/s.M.Karpagam

For Respondents : Mr.B.Nambiselvan  
Additional Public Prosecutor

### **ORDER**

This writ petition has been filed to direct the respondents to provide effective police protection to the petitioners company and its staff Subordinate and to erect transmission cell phone tower in property being a portion of 600 sq.feet of vacant land out of 7350 Sq.ft. of land property at Thanjavur Registration district, Makarnonbuchavadi sub registration district, in the boundary of Thanjavur Town, Municipal Ward No.6 (Nanchikottai Vattam), Town Survey Nos.3286, 3298, 3299 “Parisutham



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Nagar” in LP (TT No.119/80 in Plor No.34, registered as Document No. 3267/1984, Sale deed dated 12.12.1984, based on the complaint dated 21.03.2023, with C.S.R.No.154 of 2023.

2.Even though the learned counsel for the petitioner submitted that seeking proper permission, letter has been submitted to the District Collector, so far that was not considered by him, not even a copy of the above said letter have been enclosed along with the typed set of papers.

3.The learned Additional Public Prosecutor would submit that no such permission letter is available with the respondents herein.

4.In a batch of writ petitions which arises out of similar subject issue, the following order was passed. Paragraph 43 is relevant to be extracted hereunder:

*“43.In view of the above, these Writ Petitions are disposed of with the following directions:-*

*(I) The petitioner is directed to make fresh and proper applications to the District Collectors/fourth respondent in all these petitions, in terms of G.O.Ms.No.2, Information Technology Department,*



*dated 01.04.2002, seeking permission for erecting the cellphone tower within a month from the date of receipt of a copy of this order.*

*(ii) The result must be intimated to the petitioner within a week thereafter.*

*(iii) Depending upon the out come of the applications, the petitioner is at liberty to make proper fresh representation seeking police protection, if any necessity arises mentioning the facts ,circumstances and necessity.*

*(iii) If such request or representation is made by the petitioner, the respective Inspector of Police are hereby directed to consider the same on merits and give police protection, if permission is granted by the respective District Collectors for installing mobile phone towers in the respective areas immediately as mentioned in these petitions.”*

5.The above said order shall stand extended to this petition also. But, the District Collector, who is the competent authority is not impleaded in this matter. Hence, the *District Collector, Thanjavur District, Thanjavur*, was *suo motu* impleaded in this matter as third respondent.

6.In view of the above, this Court is inclined to issue the following



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Orders:-

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(i)The petitioner is hereby directed to make fresh and proper application to the District Collector/third respondent herein, in terms of the above said Government Order namely G.O.Ms.No.2, Information Technology Department, dated 01.04.2002, seeking permission for erecting the cellphone tower, within a period of **thirty** days from the date of receipt of a copy of this order.

(ii)On receipt of such application, the same shall be processed by the third respondent, within the time stipulated.

(iii)After getting permission from the District Collector/third respondent, if any trouble arises during the course of installation a fresh representation may be made by the petitioner to the second respondent herein seeking police protection.

(iv)On receipt of such representation, the same shall be considered by the second respondent on its own merits, by summoning the petitioner as well as the objectors and extend the protection, after satisfying that proper permission has been obtained by the petitioner from the District Collector.



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7. With the above said directions, this writ petition stands disposed of.

No costs.

**22.06.2023**

Index : Yes / No

Internet : Yes / No

TM

To

1. The Superintendent of Police,  
Thanjavur District, Thanjavur.
2. The Inspector of Police,  
Town South Police Station,  
Sachidhananda, Sachidananda Moopanar Road,  
Thanjavur District.
3. The District Collector,  
Thanjavur District,  
Thanjavur.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**G.ILANGO VAN,J.**

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