



W.P.(MD)No.14681 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on	21.07.2023
Delivered on	30.08.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.14681 of 2023

B.Immanuel

... Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to award adequate police protection to the work of commissioning and functioning of Satellite Network Portal Gateway by M/s One Web India Communication Private Ltd. Company (An Unit of Airtel Company) in the property called Immanuel Grounds situated in various survey numbers such as S.Nos.30,31,32,33,34 and 65 with its respective sub division at Kariyanendhal Village, Kariyapatti Taluk, Virudhunagar District through its sister company concern M/s.Nxtra



W.P.(MD)No.14681 of 2023

Data Limited on the strength of the said company's representation dated 19.05.2023 and by considering the petitioner's representation dated 12.06.2023.

For Petitioner : Mr.R.Anand

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

This petition is filed for a direction to the respondents police to provide adequate police protection to the petitioner's company for carrying out the work of commissioning and functioning of Satellite Network Portal Gateway by M/s.One Web India Communication Private Ltd. Company (An Unit of Airtel Company) in the property situated in various survey numbers such as Survey Nos.30, 31, 32, 33, 34 and 65 with its respective sub division at Kariyanendhal Village, Kariyapatti Taluk, Virudhunagar District through its sister company M/s.Nxtra Data Limited, based on the representation of the company dated 19.05.2023 and by considering the representation of the petitioner dated 12.06.2023.



W.P.(MD)No.14681 of 2023

2. The facts in brief as submitted by the learned counsel for the petitioner are that:-

2.1. According to the petitioner, he is the exclusive owner of the properties situated in Survey Nos.30, 31, 32, 33, 34 and 65 with its respective sub division at Kariyanendhal Village, Kariyapatti Taluk, Virudhunagar District. M/s.One Web India Communication Pvt. Ltd. through its authorized representative has approached the petitioner for the purpose of making use of his property under a lease so as to establish the gateway for One Web NGSO Satellite Constellation to render authorized services under existing unified license No.20-1254/2021-AS-I dated 24.08.2021.

2.2. The said company has further informed that such gateway project would be undertaken through their sister firm by name "Nxtra Data Limited". Initially, while asking for the methodology adopted by the said company in connection with their operation of rendering service, they have informed that as a first step, they would erect dish antenna by which they would procure the signals from the satellite directly which



W.P.(MD)No.14681 of 2023

subsequently would be routed through such antennas and consequently, depending upon the conditions prescribed by the TRAI such web networking would be served to the customers. As both the said companies are the units of Airtel Mobile Networks which is one among the reputed company in India.

2.3. The Ministry of Communication, Department of Tele Communication *vide* its order in No.815-86/One Web/Gateway/2022-SAT dated 27.12.2022 has accorded clearance. In the light of the said permission and upon satisfied with the other terms in respect of lease advance and monthly payment, on 16.02.2022, the petitioner has executed a lease deed in favor of the said Nxtra Data Limited and the same was registered before the Sub Registrar, Kariyapatti, Virudhunagar District *vide* Doc. No. 573/2023.

2.4. The petitioner further submits that immediately after the execution of the lease deed, the possession of the entire extent of land referred to in the said deed has been entrusted to the hands of the said company and as a result, the commissioning process has been started in



W.P.(MD)No.14681 of 2023

which large-sized antennas were started to have been erected for successfully completing the project. Since the said company has already commenced its operation in their project at Mhesana, Gujarat, based on the said clearance, the petitioner has also hopefully waited for the completion of all such erection of antennas and to have the connectivity routed through the same. But unfortunately, from the first week of April 2023, the village people, at the instigation of certain persons who have got the plan of extracting money from the petitioner and the said company protested against the erection of antennas. According to them, the said project, if it is allowed to be functioned as a Satellite Network Portal Gateway, the waves received and sent from the satellite would cause health hazard to them and they would also say that if the people of their village are inhaling such air mixed with satellite signals, their next generation will be born with physical disability. By saying so, they have also gone to the extent of stopping the vehicles carrying the materials for structuring the antenna and other allied machineries.

2.5. It is also submitted by the petitioner that in spite of the fact, himself and the representative of the said company have clearly



W.P.(MD)No.14681 of 2023

explained to the village people that nothing would be adversely affecting the health of village people in the event of operating the satellite network portal, they are not ready to accept the same. Without having any knowledge with regard to the operation of said networking system, mechanically, they are denying the inception of the project in their village.

2.6. The petitioner further states that the department of the telecommunication, after having the thorough study in this regard, satisfied that such an operation would not create any health issues to the human being as well as to other living stock has granted clearance. If the said project is allowed to function, certainly it will be beneficial to the public since the object of the project itself is to provide network signal even to the remote villages where no cell phone towers are available and hence, if such a project has become started, there would be no case of saying "signal is not available" in our gadgets like mobile phone and laptop, etc.



W.P.(MD)No.14681 of 2023

2.7. He further submits that in view of strong objection, the petitioner along with the representative of the said company have approached the District Collector, Virudhunagar and requested for causing intervention through a representation dated 08.05.2023. After hearing the grievance of the said company, the said authority has forwarded the said company's representation to the Revenue Divisional Officer concerned and to the first respondent. Based on which, the first respondent apprised the fact that there would not be any danger to the public health if the said company is allowed to operate. In spite of their best efforts, the village people are not found to be convinced, as a result of which, they have made it very clear that in their village, they would never allow the functioning of the said satellite networking service and they have also started to stop the vehicle plied for the purpose of completing the project. Hence, pursuant to the said lease agreement, the petitioner is responsible to clear out all the obstructions. Therefore, the petitioner, sent a representation dated 12.06.2023 to the second respondent police seeking for the police protection.



W.P.(MD)No.14681 of 2023

3. Learned Government Advocate (Crl. Side) appearing for the respondents, on the other hand, submits that the District Collector had conducted the peace committee meeting on 25.05.2023 with the holders of the concerned lands in their respective villages and the landowners have participated in the said inquiry and recorded their objections/statements.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) and perused the records.

5. This Court, while dealing with a similar situation in the case of ***M/s.Ascend Telecom Infrastructure Private Limited v. The Superintendent of Police***, dated 02.06.2022, held as follows:-

"6.This Court has consistently taken the view that no one can be prevented from erecting the cell phone towers on a mere apprehension about the effect of radiation from the cell phone tower. The apprehension does not have a scientific backing. Till a positive finding is given in this regard, cell phone towers cannot be prevented to be installed on mere apprehensions.



WEB COPY



W.P.(MD)No.14681 of 2023

7.For the reasons stated above, there shall be a direction to the second respondent police to provide police protection to the petitioner for erection of the cell phone tower. The second respondent police shall ensure that the entire process goes on in a smooth manner, without giving rise to any law and order problem."

6. Initially, there was certain apprehensions in the minds of people for various reasons and there were instances where the people used to prevent erection of antennas for mobile network presuming health of the people will get affected. The District Collector has also conducted a Peace Committee Meeting on 25.05.2023. Since the said company has got in-principle clearance from the Ministry of Communications/Department of Telecommunications, Government of India vide its order in No.815-86/One Web/Gateway/2022-SAT dated 27.12.2022, the respondents police are bound to provide suitable protection.



W.P.(MD)No.14681 of 2023

7. For the foregoing reasons, the respondents police are directed to provide adequate police protection to the petitioner carrying out the work of commissioning and functioning of antennas for mobile network.

8. The Writ Petition is allowed with the above directions. No costs.

30.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

1. The Superintendent of Police,
Virudhunagar District.
2. The Inspector of Police,
Mallankinaru Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.14681 of 2023

DR.D.NAGARJUN,J

PKN

W.P.(MD)No.14681 of 2023

Dated: 30.08.2023