



W.P(MD).No.17264 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P(MD).No.17264 of 2023

M/s.Ascend Telecom Infrastructure Private Limited,
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 Superintendent of Police,
Kanyakumari NH-7, Tirunelveli Nanguneri,
Vettakottai Kanyakumari Road,
Kanyakumari, Kanyakumari-629 702.

2.The Inspector of Police,
Thuckalay Police Station,
NH 66, Thuckalay,
Kanyakumari District,
Tamil Nadu-629 175.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the respondents 1 and 2 to provide effective police protection to the petitioner's Company and its staff, subordinate and to erect transmission cell phone tower in for



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the property being a portion of land of 900 sq.ft out of the property at 6.375 cents, comprised in New Survey No.957/12B, Old Survey No. 290/B situated at Valvachagoatom-A Village, Kalkudam Taluk, Kanyakumari District, based on the complaint dated 14.06.2023 with C.S.R.No.691 of 2023.

For Petitioner : Mr.M.Karpagam

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

ORDER

This Writ Petition has been filed seeking for a direction to the respondents Police to provide effective police protection to the petitioner Company and its officers while erecting the transmission cell phone tower in the property being a portion of the land to an extent of 900 sq.ft out of 6.375 cents, comprised in New Survey No.957/12B old Survey No.290/B situated at Valvachagoatom-A Village, Kalkudam Taluk, Kanyakumari District, basing on a complaint dated 14.06.2023 which was registered as C.S.R.No.691 of 2023.



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2. It is submitted by the learned counsel appearing for the petitioner Company that the petitioner Company is registered under the Companies Act, 1956 and is doing the business of telecom services, more particularly, maintenance of mobile towers. The petitioner is stated to have entered into a lease agreement on 01.03.2023 with one Jayaraj for the property being a portion of land of 900 sq.ft out of 6.375 cents, comprised in New Survey No.957/12B old Survey No.290/B situated at Valvachagoatom-A Village, Kalkudam Taluk, Kanyakumari District, for laying down the towers after obtaining appropriate approval from SACFA by paying necessary fees.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner Company has already obtained permission from the State Government for erection and installation of mobile towers. The petitioner Company has also filed the copies of the documents in G.O.Ms.No.302, Housing and Urban Department, dated 12.12.2012 and G.O.Ms.No.177, Municipal Administration and Water Supply Department, dated 17.12.2002 and other connected documents. The petitioner Company is stated to have come into possession of piece of



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land as per the agreement with the said Jayaraj. While so, on 14.06.2023, some unknown persons prevented the petitioner Company from performing their duties in erecting the mobile towers. Hence, the petitioner Company has made a complaint to the Police on 14.06.2023 and the same is registered in C.S.R.No.691 of 2023.

4. The learned counsel appearing for the petitioner Company has taken this Court into the order passed by this Court in W.P(MD).No. 18422 of 2023 on 21.06.2023, wherein, police protection was given to the petitioner therein for erection of cell phone tower. The petitioner has also filed a copy of the order passed in W.P(MD).No.28272 of 2022 dated 03.02.2023 of this Bench, wherein, this Court has directed the Police to provide police protection to the petitioner therein for erection of cell phone tower.

5. The learned Government Advocate (criminal side) appearing for the respondents Police submits that on a complaint given by the petitioner Company, C.S.R.No.691 of 2023 has been given. It is submitted that the petitioner Company is expected to approach the



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District Collector to pay required fee by way of challan and on issuing the receipt of payment of required fee, considering the earlier directions of this Court and after hearing the objections of the objectors, the Police would provide necessary protection in case if it is necessary.

6. Recording the submission made by the learned Additional Public Prosecutor appearing for the respondents Police, this Writ Petition is disposed of. There shall be no order as to costs.

19.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

1.The Superintendent of Police,
Kanyakumari NH-7, Tirunelveli Nanguneri,
Vettakottai Kanyakumari Road,
Kanyakumari, Kanyakumari-629 702.

2.The Inspector of Police,
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5/7



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Kanyakumari District,
Tamil Nadu-629 175.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

ssb

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