



W.P.No.25879 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.25879 of 2024

M/s.Indus Towers Limited
Rep. by its Authorized Signatory Mr.S.Prasanna,
No.5, ESPEE IT Park,
5th Floor, Jawaharlal Nehru Road,
Ekkatuthangal, Chennai – 600 097.

... Petitioner

Vs.

1. The Commissioner of Police,
Avadi Police Commissionerate,
Tiruvallur District.
2. The Assistant Commissioner of Police,
Avadi Range, Tiruvallur District.
3. The Inspector of Police,
Sevvapet Police Station, Tiruvallur District.
4. The District Collector, Thiruvallur District.
5. The Tahsildar, Tiruvallur Taluk, Tiruvallur District.
6. The President, Thozhur Village Panchayat,
Tiruvallur District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to direct the respondents 1 to 3 to provide necessary police protection to the petitioner for their mobile phone tower works at the premises being about 1200 square feet of vacant land at No.208/1A1C1D at Thozhur Village, Thiruvallur District, on the representation dated 23.02.2024 in C.S.R.No.154/2024 on the file of the third respondent and direct the respondents 4 to 6 to render necessary co-operation to the respondents 1 to 3 in the matter.

For Petitioner : Mr.S.Anil Sandeep

For Respondents : Mr.S.Sugendran,
Addl. Public Prosecutor for RR1 & 5

No Appearance - R6

ORDER

This writ petition has been filed seeking police protection to the petitioner to carry out their mobile phone tower works in the vacant land at No.208/1A1C1D at Thozhur Village, Thiruvallur District and directions to the respondents 2 to 6 to render necessary co-operation in the matter.



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2 According to learned counsel for the petitioner the petitioner provides telecom infrastructure facilities in accordance with an Infrastructure Provider registration certificate issued by the Department of Telecommunications, Ministry of Communications & Information Technology, Government of India, pursuant to the provisions of the Telegraph Act for Infrastructure Provider (IP) Category-I. The petitioner entered into lease agreement on 28.03.2023 with the landlord and has also obtained his consent for building, erection and maintenance of the tower. Further the petitioner obtained ROW permission from the fourth respondent on 12.09.2023 under the Tamil Nadu Telecom Infrastructure Policy, 2022.

2.1 When the petitioner started the construction work, there was agitation from the residents of the area stating that they are afraid of health hazards and they were creating law and order issues. Therefore the petitioner approached the third respondent seeking police protection, but there is no response and hence the petitioner is before this Court.



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3 Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the official respondents 1 to 5 and perused the materials available on record.

4 It is the grievance of the writ petitioner that even though the petitioner obtained ROW permission from the District Collector, the local people causing disturbance to the works of erection of mobile tower.

5 It is not the case of the petitioner that some individual with an ulterior motive preventing or disturbing the petitioner from the mobile tower works. But the local people causing disturbance due to afraid of health hazards.

6 Therefore the first and fourth respondents are directed to convene a meeting with the local people and explain and make them to understand the situation in a right way and necessity of erection of mobile tower. Even after such meeting, if the first respondent finds any individual, for any purpose, inducing the innocent villagers to agitate against the erection of mobile tower, such person has to be dealt with in accordance with law. However, the petitioner is at liberty to workout their remedy in the manner known to law, if they have any grievance after the said meeting.



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With the above directions, the writ petition shall stand disposed of.

No costs.

26.11. 2024

Speaking Order/Non Speaking Order
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To

1. The Commissioner of Police, Avadi Police Commissionerate, Tiruvallur District.
2. The Assistant Commissioner of Police, Avadi Range, Tiruvallur District.
3. The Inspector of Police, Sevvapet Police Station, Tiruvallur District.
4. The District Collector, Thiruvallur District.
5. The Tahsildar, Tiruvallur Taluk, Tiruvallur District.
6. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.,

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