



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-06-2026**

CORAM

**THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN**

**WP Crl. No. 1394 of 2026**

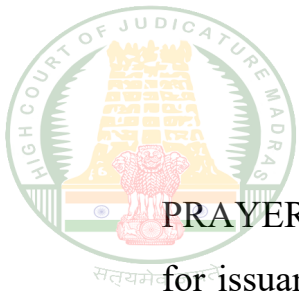
Indus Towers Limited  
Rep.by its authorized Signatory Mr.Paridhi Arasu,  
No.5, ESPEE IT Park,  
5th floor,  
Jawaharlal Nehru road,  
Ekkatuthangal,  
Chennai-600032.

..Petitioner(s)

Vs

1. The District Collector,  
Kallakurichi district.
2. The Superintendent of Police,  
Kallakurichi district.
3. The Deputy Superintendent of Police,  
Thirukkcoilur Sub-Division,  
Kallakurichi District.
4. The Deputy Superintendent of Police,  
Kallakurichi Sub-division,  
Kallakurichi district.
5. The Inspector of Police,  
Thirukkcoilur Police Station,  
Kallakurichi district.
6. The Inspector of Police,  
Kallakurichi Police station,  
Kallakurichi district.

..Respondent(s)



**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 2 to 6 to provide necessary police protection to the petitioner for their mobile phone tower works in the premises measuring about 875 square feet of land comprised in SF.No.956/17b, Manthakarai, Tirukkoilur, Kallakurichi-605757, and in the premises measuring about 1608 square feet of land in SF.No.174/2, Kamarajar nagar, Neelamangalam, Kallakurichi-606213, falling within the district administration of the 1st respondent, on the representation dated 08.05.2026 to the 5th respondent by SPAD, and on the representation dated 29.10.2025 being the subject matter of CSR No.2033/2025 issued by the 6th respondent.

For Petitioner(s): Mr.S.Anil Sandeep

For Respondent(s): Mr.R.Ganesh Kumar  
Counsel for Government

### **ORDER**

This petition has been filed to the respondents 2 to 6 to provide necessary police protection to the petitioner for their mobile phone tower works in the premises measuring about 875 square feet of land comprised in SF.No.956/17b, Manthakarai, Tirukkoilur, Kallakurichi-605757, and in the premises measuring about 1608 square feet of land in SF.No.174/2, Kamarajar nagar, Neelamangalam, Kallakurichi-606213, falling within the district administration of the 1st respondent, on the representation dated 08.05.2026 to the 5th respondent by SPAD, and on the representation dated 29.10.2025 being the subject matter of CSR No.2033/2025 issued by the 6th respondent.

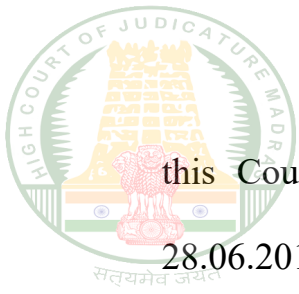


2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The case of the petitioner is that the petitioner is a licensed telecom service incorporated under the Companies Act, 1956 providing telecom services. For the said purpose, mobile phone towers are going to be erected. The petitioner had also entered into a lease agreement with the owner of the property and had taken steps to install the mobile phone tower. Already, the Government of Tamil Nadu has granted exemption to all the Telecom companies to install the cell phone towers by virtue of Government Order passed in G.O.Ms.No.2, dated 01.04.2002.

4. When the petitioner attempted to erect the mobile phone tower, the residents of the area came to the spot and started causing hindrance to the company officials from carrying out the construction work. The petitioner also gave a representation to the respondent Police to provide them with protection. However, the respondent Police had not acted upon the said complaint and therefore, the present Writ Petition has been filed.

5. The learned counsel appearing for the petitioner would submit that the issue involved in this Writ Petition is covered by the earlier Judgments of



this Court. The learned counsel brought to the notice of the order dated 28.06.2018, passed by this Court in CrI.O.P.No.16618 of 2018, wherein the similar issue involved.

6. Therefore, it would be appropriate to extract the relevant portions of the order passed in CrI.O.P.No.16618 of 2018 dated 28.06.2018 hereunder:

*“2.The learned counsel for the petitioner would submit that the petitioner's company had the contract agreement for installation of cell phone tower with M/s.Indus Towers Limited, a company registered under the provisions of Indian Companies Act, 1956. It is further submitted by the learned counsel for the petitioner that whenever the petitioner's company attempted to erect transmission cell phone tower, public are causing interference. The learned counsel for the petitioner also submitted that by order dated 05.03.2015, the Honourable First Bench of this Court, in W.P.Nos.24976 of 2008 and etc., batch, held that because of the advancement in the science, no one has prevented to erect cell phone towers. It is also submitted that the petitioner has given a complaint dated 24.02.2016 to the first respondent police seeking police protection, for which C.S.R.No.42 of 2016 and since the same has not been considered so far, he has come up with the present petition for the relief stated supra.*

*3.Heard the learned Additional Public Prosecutor appearing for the respondent.*

*4.Considering the facts and circumstances of the case, the petitioner is directed to send a fresh representation to the respondent and on receipt of the same, the respondent is directed to*

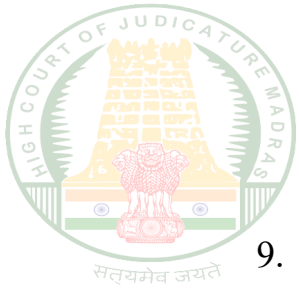


*consider the representation to be submitted by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of one week from the date of receipt of copy of this order.*

*5. With the above directions, this Criminal Original Petition is disposed of.”*

7. 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.

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



9. With the above directions, this Writ Petition petition is disposed of.

There shall be no order as to costs.

SMA

23-06-2026



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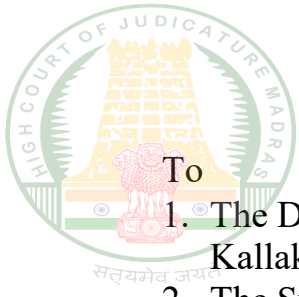


**G.K.ILANTHIRAIYAN, J.**

**SMA**

**WP CrI. No. 1394 of 2026**

**23-06-2026**



To

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Kallakurichi district.
2. The Superintendent of Police,  
Kallakurichi district.
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6. The Inspector of Police,  
Kallakurichi Police station,  
Kallakurichi district.
7. The Public Prosecutor  
Madras High Court.