

[3328]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**FRIDAY, THE TWENTIETH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY SIX**



:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 5014 OF 2026

Between:

Prakash Abhishek Jain, S/o.Prakash Jain, Hindu, Aged about 36 years,
Occ: Business R/o. 14/2881/1, Kapu Street, Nellore, SPSR Nellore
District - 524001

Petitioner

AND

1. The State of Andhra Pradesh, rep by its Principal Secretary MA & UD Department, Secretariat, Amaravathi 522 238
2. The District Collector, Nellore, SPSR Nellore District. 524 001
3. Nellore Municipal Corporation, Rep by its Commissioner, Nellore, SPSR Nellore District. 524 001
4. Indus Towers Ltd., rep by its Manager, New D.No.24/6/148, Saraswathi Nagar, Dargamitta, Nellore - 524003.
5. Modiliar Dhanalakshmi, W/o. M.Murugesh R/o. D.No. 16-3-47, Thipparajuvari Street, Ward No.44, Nellore Town, SPSR Nellore District - 524001.

Respondents

Petition under Article 226 of the Constitution of India, is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more in the nature of Writ of

Mandamus declaring the action of the 3rd respondent in according permission in favour of the 4th respondent for erecting Roof-Top Cell Tower through proceedings Roc.No.59/1031/NLR/TT/2025 dated 26.10.2025 without considering the objections of the petitioner and other surrounding public, without conducting Health risk assessment as per the procedure and without the even proper verification about ownership of the 5 respondent as per the building permission and going ahead with the work though the representations / complaints made by the petitioner and others are pending before the 3rd respondent and to declare the same as illegal, arbitrary and violative of Article 14, 16 and 21 of the Constitution of India and consequently direct the 3rd respondent to verify the building permissions of the 5th respondent and further direction to strictly follow the guidelines issued in G.O.Ms.No.146 dated 19.6.2025 before proceeding further in erecting the Cell Tower by the 4th respondent by considering the objections of the petitioner and others; ✓

IA NO: 1 OF 2026

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings consequent to issuance of impugned proceedings vide Roc.No.59/1031/NLR/TT/2025 dated 26.10.2025 of the 3rd respondent. ✓

IA NO: 2 OF 2026

Petition under Section 151 CPC., is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 3rd respondent to take action on the objections raised by the petitioner and others through representation dated 15.11.2025 and 12.2.2026 before proceeding further erection work by the 4th respondent; ✓

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. VADAPALLI RAMESH, Advocate for the Petitioner and of GP FOR MUNICIPAL ADMN & URBAN DEV, for the Respondent No.1 and of GP FOR REVENUE, for the Respondent No.2 and of Sri. A.S.C. BOSE, STANDING COUNSEL, for the Respondent No.3;

The Court made the following ORDER:

Heard Sri Vadapalli Ramesh, learned Counsel for the Writ Petitioner and Sri Harsha S Ammineni, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for the Nellore Municipal Corporation. ✓

2. Learned Counsel for the Petitioner is directed to take out Urgent Personal Notice in respect of the Unofficial Respondent Nos.4 & 5 within three days from today and file proof of receipt of Notice within three days thereafter. ✓

3. At request of Sri Harsha S Ammineni, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for the Nellore Municipal Corporation, list on 06.03.2026 in the motion list, to enable him to obtain Written Instructions. ✓

4. Having regard to the averments made in paras 4 & 5 of the Affidavit filed in support of this Writ Petition, there shall be a direction suspending the impugned Proceeding dated 26.10.2025 bearing Roc.No.59/1031/NLR/TT/2025 (Ex.P.1) till the next listing. ✓

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary MA & UD Department, The State of Andhra Pradesh, Secretariat, Amaravathi 522 238. (by SPECIAL MESSENGER)

2. The District Collector, Nellore, SPSR Nellore District. 524 001
3. The Commissioner, Nellore Municipal Corporation, Nellore, SPSR Nellore District. 524 001
4. The Manager, Indus Towers Ltd., New D.No.24/6/148, Saraswathi Nagar, Dargamitta, Nellore - 524003.
5. Modiliar Dhanalakshmi, W/o. M.Muruges R/o. D.No. 16-3-47, Thipparajuvari Street, Ward No.44, Nellore Town, SPSR Nellore District - 524001. (Addressee Nos. 2 to 5 BY RPAD)
6. One CC to Sri. VADAPALLI RAMESH, Advocate [OPUC]
7. Two CCs to GP FOR MUNICIPAL ADMN & URBAN DEV, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
9. One CC to Sri. A.S.C. BOSE, STANDING COUNSEL [OPUC]
10. One spare copy

JSS

HIGH COURT

GRKP, J

DATED:20/02/2026

LIST ON 06.03.2026 IN THE MOTION LIST

ORDER

WP.No.5014 of 2026

DIRECTION

