

[3328]

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

MONDAY, THE NINETH DAY OF MARCH,
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 memorandum of grounds filed in support thereof and the earlier order of the High Court dated.20.02.2026 made herein 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 S. Vijaya Kumar, learned Counsel appearing on behalf 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 S. Vijaya Kumar, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Municipal Corporations.

2. Sri Vadapalli Ramesh, learned Counsel for the Writ Petitioner submits that notices sent to Unofficial Respondent Nos.4 & 5 got returned un served. He seeks fresh personal notices to serve on the correct address.

3. Request granted.

4. Having regard to the facts and circumstances of the case, this Court deems it appropriate to request the Deputy Director General of Telecom Enforcement and Resources Monitoring (TERM) Cell maintained by the Department of Telecommunications (DoT), Government of India, which is located at Mogalrajpuram, Vijayawada to either appear himself or depute any Expert having full knowledge with regard to the ill-effects on health and effects due to the 'Radiation' emanating from cell towers to the human beings and other animals for the purpose of assisting this Court. For this purpose, Registrar (Judicial) is directed to communicate a copy of this Order to the Deputy Director General of Telecom Enforcement and Resources Monitoring (TERM) Cell, Mogalrajpuram, Vijayawada forthwith for effective compliance. The Deputy Director General of Telecom Enforcement and Resources

Monitoring (TERM) Cell shall make this arrangement before the next date of listing.

5. List the matter on 18.03.2026.

6. Interim Order granted earlier shall continue till the next listing.

**Sd/-U.SRIDEVI
DEPUTY REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh .
2. One CC to Sri. Vadapalli Ramesh, Advocate [OPUC]
3. Two CCs to GP for Muncipal Admn & Urban Dev, High Court of Andhra Pradesh. [OUT]
4. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
5. One CC to Sri. A.S.C. BOSE, Standing Counsel [OPUC]
6. One spare copy

ADP

HIGH COURT

GRKP, J

DATED:09/03/2026

LIST THE MATTER ON 18.03.2026

ORDER

WP.No.5014 of 2026

INTERIM ORDER EXTENDED

