

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

MONDAY, THE TWENTIETH DAY OF APRIL,
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 5th 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 the earlier orders of the High Court dated: 20.02.2026, 09.03.2026 & 31.03.2026 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. A.S.C. BOSE, STANDING COUNSEL, for the Respondent No.3 and of Sri. JAMPANA SRIKANTH, Advocate for the Respondent No.4;

The Court made the following ORDER:

Heard Sri Vadapalli Ramesh, learned Counsel for the Writ Petitioner appearing online, Sri Harsha S Ammineni, learned Counsel appearing on behalf of Sri A.S.C. Bose, learned Standing Counsel for Nellore Municipal Corporation and Sri Md Baji, learned Counsel appearing on behalf of Sri Jampana Srikanth, learned Counsel for Respondent No.4.

2. In compliance with the Order of this Court dated 31.03.2026, Sri K. Durga Prasadu, Assistant Divisional Engineer, Department of Telecommunication, Government of India, is present before the Court. He has furnished a document titled as EMF (Electromagnetic field) Overview. He would submit that he is a subject expert working with the Department of Telecommunication. This document would indicate that no medical evidence has been established that radiation emanating from the cell towers causes any ill-health in human beings.

3. This Court, having considered the submission as well as the document of the expert, dispenses with the appearance of Sri K. Durga Prasadu, Assistant Divisional Engineer, Department of Telecommunication.

4. Insofar as the merits of the Writ Petition is concerned, learned Counsel for the Writ Petitioner would submit that the Respondent Corporation has not granted any building permission to the owner of the

building so far and therefore, without obtaining such building permission, the Municipal Corporation is not authorized to grant permission to any Company for erection of cell tower on such building. On a query made by this Court, Sri Harsha S Ammineni, learned Counsel appearing for the Respondent No.3, seeks a short adjournment to obtain clear Written Instructions whether the building, on which the cell tower is sought to be established, has the Occupancy Certificate/Completion Certificate issued by the Respondent Corporation or not.

5. List on 22.04.2026 in the motion list.

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

Sd/- U. Sridevi

DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri. VADAPALLI RAMESH, Advocate [OPUC]
2. Two CCs to GP FOR MUNICIPAL ADMN & URBAN DEV, High Court Of Andhra Pradesh. [OUT]
3. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
4. One CC to Sri. A.S.C. BOSE, STANDING COUNSEL [OPUC]
5. One spare copy

JSS

HIGH COURT

GRKP, J

DATED:20/04/2026

LIST ON 22.04.2026 IN THE MOTION LIST

ORDER

WP.No.5014 of 2026

DIRECTION

