

[3328]

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

**WEDNESDAY, THE TWENTY SECOND 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 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 the earlier orders of the High Court dated: 20.02.2026, 09.03.2026, 31.03.2026 & 20.04.2026 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, Sri S. Vijay Kumar, learned Counsel representing Sri A.S.C. Bose, learned Standing Counsel for Nellore Municipal Corporation and Sri Jampana Srikanth, learned Counsel for Respondent No.4.

2. In response to the query made by this Court vide Order dated 20.04.2026, Sri S. Vijay Kumar, learned Counsel appearing for the Corporation would submit that the builder of the apartments had submitted an Application for regularization of an extra floor under BPS-2025 and the same is pending. It is also submitted that the validity of BPS-2025 is under consideration before the Hon'ble Division Bench. In view of this Order, list this matter on 06.07.2026.

3. Interim Order granted earlier shall continue till the next listing.”

//TRUE COPY//

**Sd/- N. NAGAMMA
ASSISTANT REGISTRAR**

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**

TVSR

HIGH COURT

GRKP, J

DATED: 22/04/2026

LIST THIS MATTER ON 06.07.2026.

ORDER

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