

APHC010196752026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3328]

WEDNESDAY, THE TWENTY SECOND DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 10539/2026

Between:

- 1.M SIVAMMA, W/O. M. NAGAPPA AGED 65 YEARS, OCC HOUSEWIFE, R/O. H.NO.18/775-141-A2, THILAK NAGAR, GUNTAKAL TOWN, GUNTAKAL, ANANTHAPUR DISTRICT.
- 2.MEENUGA PHRIMALA,, D/O. M. SUDHAKAR, AGED 38 YEARS, R/O. H.NO.18/775-141-E THILAK NAGAR, GUNTAKAL TOWN, GUNTAKAL, ANANTHAPUR DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF AP, REP.BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT. ANDHRA PRADESH 522238
- 2.THE DISTRICT COLLECTOR, ANANTHAPURAM DISTRICT, ANANTHAPURAM 515001
- 3.THE GUNTAKAL MUNICIPALITY, REP. BY ITS COMMISSIONER, GUNTAKAL, ANANTHAPURAM, DISTRICT, A.P. 515801
- 4.THE COMMISSIONER, GUNTAKAL MUNICIPALITY, GUNTAKAL, ANANTHAPUR DISTRICT. - 515801
- 5.K NEELAKANTESWARA REDDY, S/O. NOT KNOW TO THE PETITIONER, AGED ABOUT 50 YEARS, OCC BUSINESS, R/O. D.NO. 18/775-147-1, TILAKNAGAR, GUNTAKAL TOWN, ANANTHAPURAM DISTRICT.515801
- 6.THE MANAGER, INDUS TOWERS LIMITED, SY.NO.187-B1, WARD NO.18, GUNTAKAL MUNICIPALITY, . GUNTAKAL TOWN,

ANANTHAPUR DISTRICT. 515801

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.M K VISWANATH NAIDU

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP MUNICIPAL ADMN AND URBAN DEV AP

The Court made the following:

ORAL ORDER:

Heard Sri K. Ashok, learned Counsel appearing on behalf of Sri M.K. Viswanath Naidu, learned Counsel for the Writ Petitioners, Sri M. Srinu Babu, learned Assistant Government Pleader for Municipal Administration & Urban Development and Sri Gudapati Lakshminarayana, learned Standing Counsel for Respondent Nos.3 & 4.

2. Learned Counsel for the Writ Petitioners has drawn the attention of this Court to G.O.Ms.No.146, Municipal Administration & Urban Development (M2) Department dated 19.06.2015 (Ex.P.9). He has drawn the attention of this Court to para E titled as 'Restriction to erect Telecommunication Infrastructure Towers'. He has also drawn the attention of this Court to sub-clause (f). The relevant portion is usefully extracted hereunder:

"E. Restriction to erect Telecommunication Infrastructure Towers:

(i) Water Bodies

(1) No building or TIT shall be allowed in the bed of water bodies like river or nala and in the Full Tank Level (FTL) of any lake, pond, cheruvu or kunta /shikam lands. Unless and otherwise stated, the area and the Full Tank Level (FTL) of a Lake/Kunta shall be reckoned as measured and as certified by the Irrigation Department and Revenue Department.

(2) No building or TIT shall be carried out within:

- (a) 100m from the boundary of the River outside the Municipal Corporation/Municipality/Nagar Panchayat limits and 50m within the Municipal Corporation/Municipality/Nagara Panchayat limits. The boundary of the river shall be as fixed and certified by the Irrigation Department and Revenue Department.
- (b) 30m from the FTL boundary of Lakes/Tanks/Kuntas of area 10Ha and above.
- (c) 9m from the FTL boundary of Lakes/Tanks/Kuntas of area less than 10Ha/shikam lands;
- (d) 9m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width more than 10m.
- (e) 2m from the defined boundary of Canal, Vagu, Nala, Storm Water Drain of width up to 10m.
- (f) **In all Parks, Playgrounds and Public Open Spaces."**

3. The above extract would clearly indicate that building or Telecommunication Infrastructure Tower (TIT) shall not be carried out in all the parks, playgrounds and in public open spaces. Whereas learned Counsel for the Writ Petitioners has drawn the attention of this Court to page 57, which contains a photograph showing that the cell tower has been erected on the third floor of the building. He would submit that a private school is being run on the ground floor of a building which is just adjacent to the said building on which the TIT has been erected.

4. On the plain reading of the portion of the G.O.Ms.No.146 dated 19.06.2015 which is extracted above, this Court is of the view that there is no prohibition of erection of cell tower on top of a multi storied building. G.O.Ms.No.146 dated 19.06.2015 prohibits erection of TIT in parks, playgrounds and in public open spaces but not on top of the multi storied buildings.

5. In this view of the matter, this Court does not find any merit in the present Writ Petition. Accordingly, this Writ Petition is dismissed. No order as to costs.

6. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt:22.04.2026

Vns