

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST,
TWO THOUSAND AND TWENTY ONE

: **PRESENT:**

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 13622 OF 2021



Between:

Sneha Mithra Residential welfare association, represent by its president Narayana murthy, R/o Do.No.12-45-11, Papayyarajupalem, Sujathanagar, Pendurthimandal, Visakhapatnam.

Petitioner

AND

1. The Telecom Regulatory Authority India, Mahanagar Doorsanchar bhavan Jawarlal Nehru marg, Next to Zakir Hussain College New Delhi - 110002.
2. TERM Andhra Pradesh D-11, Telecom Officers Complex, Tekkali Road, Mughalraipuram, Vijayawada - 520010
3. The District Collector, Visakhapatnam, District at Visakhapatnam.
4. The Tahsildar, Pendurthy Mandal, Visakhapatnam District
5. Greater Visakhapatnam Municipal Corporation, Rep By its Commissioner, Visakhapatnam.
6. Zonal Commissioner, Zone-6, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
7. M/s Indus Towers Limited, Survey No 133 451 8th Floor SLN Terminus Beside Botanical Gardens Gachibowli Hyderabad 500032 Rep by its Circle Legal Head.

Respondents

WHEREAS the Petitioner above named through its Advocate Sri Rajesh Matcha presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order orders or directions more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 6 in permitting the 7th respondent to construct ground based Mobile Signal Tower in the plot No. 70 in the survey no. 82 to 99 situated at lakshmipuram village, pendurthy mandal, Visakhapatnam without following the guidelines prescribed by the Department of telecommunication and also the action of the 7th respondent in going ahead with construction of ground based Mobile Signal Tower in the plot No. 70 in the survey no. 82 to 99 situated at lakshmipuram village, pendurthimandal, Visakhapatnam. without bothering of objections of the petitioner as illegal arbitrary discriminative besides violative of the Arts 14 and 21 of the Constitution of India and consequently direct the respondents 1 to 6 to restrain the 7th respondent from proceeding with the erection of ground based Mobile Signal Tower in the plot No. 70 in the survey no. 82 to 99 situated at lakshmipuram village, pendurthi mandal, Visakhapatnam Andhra Pradesh

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Rajesh Matcha, Advocate for the Petitioner, GP for Revenue for Respondent No.2 to 4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Telecom Regulatory Authority India, Mahanagar Doorsanchar bhavan Jawarlal Nehru marg, Next to Zakir Hussain College New Delhi - 110002.
2. TERM Andhra Pradesh D-11, Telecom Officers Complex, Tekkali Road, Mughalraipuram, Vijayawada - 520010
3. The District Collector, Visakhapatnam, District at Visakhapatnam.
4. The Tahsildar, Pendurthy Mandal, Visakhapatnam District

5. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
6. Zonal Commissioner, Zone-6, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
7. The Circle Legal Head, M/s Indus Towers Limited, Survey No 133 451 8th Floor SLN Terminus, Beside Botanical Gardens, Gachibowli Hyderabad 500032.

are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents 1 to 6 to restrain the 7th respondent from proceeding with the erection of ground based Mobile Signal Tower in the plot No. 70 in the survey no. 82 to 99 situated at lakshmipuram village, pendurthimandal, Visakhapatnam Andhra Pradesh, in the interest of justice, pending disposal of WP No.13622 of 2021, on the file of the High Court.

The Court made the following: ORDER

"Notice before admission returnable in four (04) weeks.

Petitioner is permitted to take out personal notice on R7 through RPAD and file proof of service into Registry.

Learned Standing Counsel appearing on behalf of R5 and R6, on instructions submits that though initially he has filed an application for permission and the respondents have considered and directed R7 to file a fresh application within stipulated time. But without filing the application, as directed by R5 and R6, R7 has installed/erected the tower. In view of the same, R5 and R6 are not able to take any action.

Considering the submissions of both sides, post after four (04) weeks for filing counter along with the report."

Sd/-B.Narasing Rao
ASSISTANT REGISTRAR

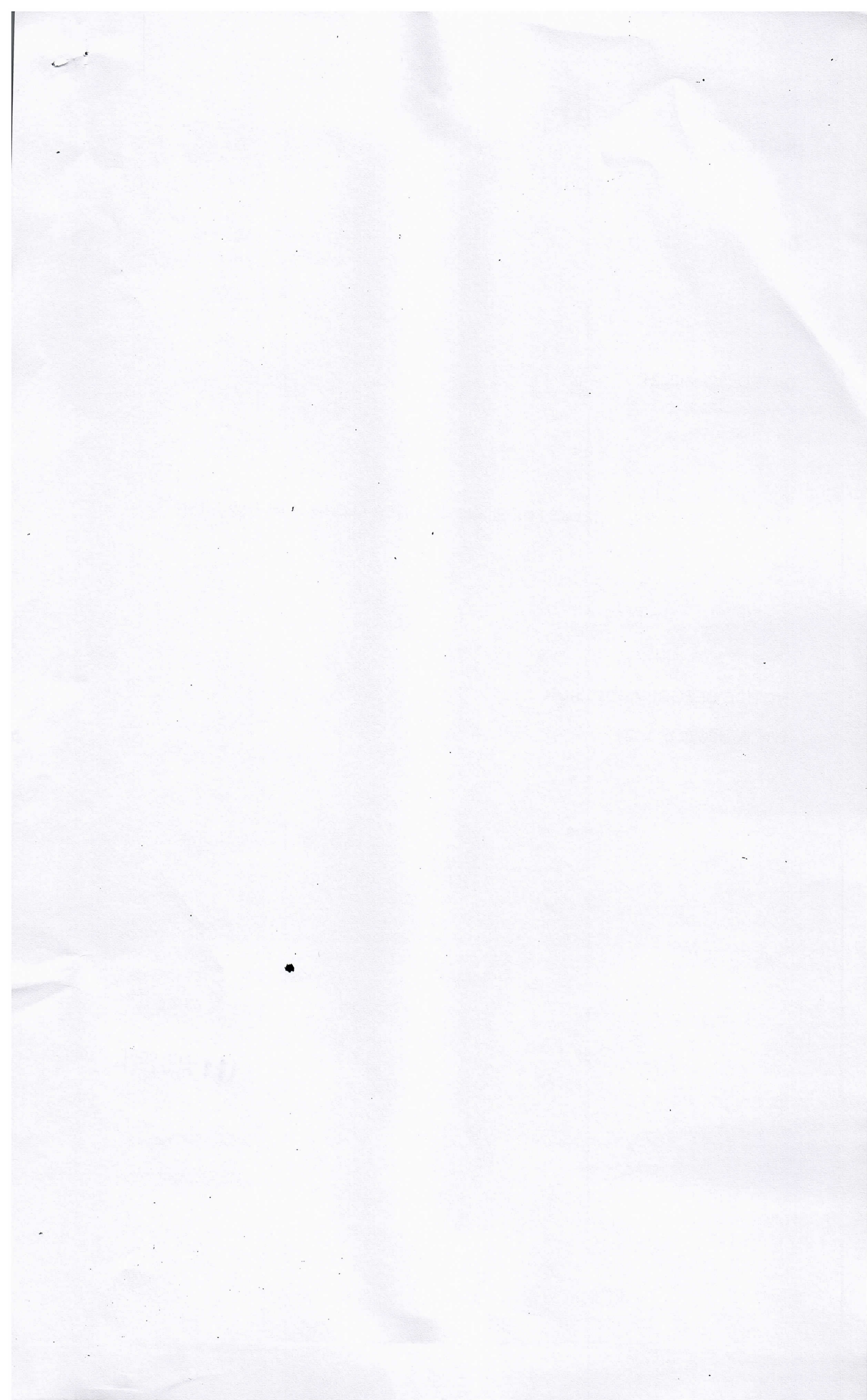
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For ASSISTANT REGISTRAR

To,

1. The Telecom Regulatory Authority India, Mahanagar Doorsanchar bhavan Jawarlal Nehru marg Next to Zakir Hussain College New Delhi - 110002.
2. TERM Andhra Pradesh D-11, Telecom Officers Complex, Tekkali Road, Mughalraipuram, Vijayawada - 520010
3. The District Collector, Visakhapatnam, District at Visakhapatnam.
4. The Tahsildar, Pendurthy Mandal, Visakhapatnam District
5. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
6. Zonal Commissioner, Zone-6, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
7. The Circle Legal Head, M/s Indus Towers Limited, Survey No 133 451 8th Floor SLN Terminus Beside Botanical Gardens Gachibowli Hyderabad 500032. (1 to 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to Sri Rajesh Matcha, Advocate [OPUC]
9. Two CCs to GP for Revenue, High Court of Andhra Pradesh.[OUT]
10. One spare copy

SP



HIGH COURT

DRJ

DATED: 02/08/2021

POST AFTER FOUR (04) WEEKS FOR FILING COUNTER ALONG WITH THE REPORT

NOTICE BEFORE ADMISSION

WP.No.13622 of 2021

DIRECTION

