

APHC010697182016



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

[3457]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 10525/2016

Between:

1. PULIVARTHI MALYADRI,, S/O CHINNA MALA KONDAIAH AGED ABOUT 35 YEARS, OCC: BUSINESS R/O H.NO.31125613, SETTIGUNTA ROAD NAGENDRA NAGAR, SPSR NELLORE DISTRICT ANDHRA PRADESH-524 002

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY MUNICIPAL ADMINISTRATION DEPARTMENT AT ANDHRA PRADESH SECRETARIAT BUILDINGS AT HYDERABAD

2. THE COMMISSIONER, NELLORE MUNICIPAL CORPORATION O/O AT NELLORE TOWN, SPSR NELLORE DISTRICT ANDHRA PRADESH

3. THE GENERAL MANAGER, RELIANCE J10 INFOCOMM LIMITED 6-3-1090/D/1, 1ST FLOOR LAKESHORE TOWERS, RAJBHAVAN ROAD SOMAJIGUDA, HYDERABAD

4. THE EXECUTIVE DIRECTOR, A.T.C. TELECOM TOWER CORPORATION FLAT NO. 306 & 307, 3RD FLOOR ARCHANA ARCADE, ST. JOSEPH ROAD SECUNDERABAD

5. P BHAVANI, W/O OBUL NAIDU AGED ABOUT 55 YEARS, OCC: HOUSEWIFE R/O H.NO.3-1-54, SETTIGUNTA ROAD NAGENDRA NAGAR, SPSR NELLORE DISTRICT ANDHRA PRADESH-524 002

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 Writ, or Writs, Order or Orders more particularly in the nature of mandamus thereby declaring that the original no objection certificate issued in ROC No.1275/09/G1, dt.02-02-2016 issued by the Respondent No.2 in favour of the Respondent No.3 and 4 herein to install roof top A.C.T. Tower on the house premises bearing D.No.3-1-54, situated at Settigunta Road, Nagendra Nagar, SPSR Nellore District belonging to the Respondent No.5 herein without no objection from the Petitioner herein, as illegal, arbitrary and consequently directing the Respondent No.1 to 3 herein to stop the erection work of A.C.T. Tower forthwith

IA NO: 1 OF 2016(WPMP 13262 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of erection of A.C.T. Tower on roof top of house bearing Door No.3-1-54, situated at Settigunta Road, Nagendra Nagar, Nellore Town, SPSR Nellore District, Andhra Pradesh belonging to the 5th Respondent

Counsel for the Petitioner:

1.PUSHADAPU SUBBA RAO

Counsel for the Respondent(S):

1.ANCHA PANDURANGA RAO

2.GP-MUNCIPAL ADMN AND URBAN DEV(AP)

3.MOHD ISLAMUDDIN ANSARI

ORDER:

1. This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief/s.

“to issue Writ, or Writs, Order or Orders more particularly in the nature of mandamus thereby declaring that the original no objection certificate issued in ROC No.1275/09/G1, dt.02-02-2016 issued by the Respondent No.2 in favour of the Respondent No.3 and 4 herein to install roof top A.C.T. Tower on the house premises bearing D.No.3-1-54, situated at Settigunta Road, Nagendra Nagar, SPSR Nellore District belonging to the Respondent No.5 herein without no objection from the Petitioner herein, as illegal, arbitrary and consequently directing the Respondent No.1 to 3 herein to stop the erection work of A.C.T. Tower forthwith, and pass”.

2. The issue relating to the construction of a cell tower by respondent Nos.3 and 4 is challenged in the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents.

4. The learned counsel for the petitioner submits that a representation was made against the proceedings of the 3rd respondent, but the same has not been considered. It is submitted that the proceedings dated 02.02.2016 issued by the 2nd respondent are contrary to G.O.Ms.No.146, Municipal Administration and Urban Development (M2) Department, dated 19.06.2015.

5. The learned Standing counsel for the Municipal Corporation submits that the grievance of the petitioners has to be dealt with by Telecom

Enforcement, Resources and Monitoring (TERM) Cell of the Department of Telecommunications, Government of India. It is also submitted that this Court considered the similar matters earlier and relies on the order passed in W.P.No.3341 of 2019.

6. Following the order of this Court in W.P.No.3341 of 2019, the present writ petition stands disposed off, leaving it open to the petitioner to approach the appropriate authority for redressal of his grievance. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

Date:03.12.2025

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THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 10525 of 2016

Date: 03.12.2025

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