

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)



TUESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY

:PRESENT:

THE HON'BLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND
THE HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION (PIL) NO : 194 of 2020

Between:

Smt. Nakka Nimmi Grace, W/o. Bokka Atchutha Rama Krishna Rao, Advocate, D.No-8-45/3, Ward No 66, Majji Veedi, Yallapuvanipalem, Ramalayam Temple, Gopalapatnam Rural, Gopalapatnam, Visakhapatnam Dist, Andhra Pradesh-530027 Visakhapatnam, Bank-Co-operate, Bank Account Number 006100100027631, Gopalapatnam Branch, Visakhapatnam PANNO-AQJPN5433B, E-mail-id-checkdeyindia@gmail.com, Mobile 9885419330, 7799677736.

..... Petitioner

AND

1. The Union of India, rep by Principal Secretary Department of telecommunications, Sanchar Bhawan, 20 Ashoka Road, New Delhi- 110001.
2. The Union of India, Rep by its Principal Secretary, Department of Information and Technology, Room No 544, Shastri Bhavan, New Delhi-110001.
3. The Union of India, Rep by its Principal Secretary, Department of Information & Broadcasting, Shastri Bhavan, New Delhi-110001.
4. The Union of India, Rep by its Principal Secretary (Home Affairs), Shastri Bhavan, New Delhi-110001.
5. The State of Andhra Pradesh, rep by its Chief Secretary, Secretariat Buildings, At Amaravathi, Guntur dist, Andhra Pradesh.
6. The State of Andhra Pradesh, rep by its Principal Secretary (Home) Secretariat Buildings, At Amaravathi, Guntur dist, Andhra Pradesh.
7. The Director General of Police, Mangalagiri, Andhra Pradesh 522502.
8. The Central Vigilance Commissioner, O/o Central Vigilance Commission, Satarkata Bhavan, A-Block, GPO Complex, INA, New Delhi-110 023.
9. The Director, Central Bureau of Investigation (CBI), Plot No. 5-B, 6th Floor, CGO Complex, Lodhi Road, Jawaharlal Nehru Stadium Marg, New Delhi -110003.
10. The Supdt. of Police, Central Bureau of Investigation, 1-83-21/4, MVP Double Rd, Sector 8, MVP Colony, Visakhapatnam, Andhra Pradesh 530017
11. The Chief Executive Officer, Jio- Reliance Jio Infocomm Ltd., RCP 14 (TC 23), Phase 4, B-Block, 3rd Floor, C 4 130 Twane-Belapur Road, Gansoli, Navi Mumbai 400701, Maharashtra, India.
12. The Chief Executive Officer, Vodafone-Idea, B Wing, Floor 8-12 The Birla Centurion, Plot No. 794, Worli, Pandurang Budhkar Marg, Century Mills, Lower Parel, Mumbai, Maharashtra 400030.
13. The Chief Executive Officer, Airtel, Sardar Patel Rt, Indian Airlines Colony, Patigadda, Begumpet, Hyderabad, Telangana 500 016.
14. The Chief Executive Officer, BSNL, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane Janpath, New Delhi-110 001.
15. The Chairman, Telecom Regulatory Authority of India, Mahanagar, Doorsanchar Bhavan (next to Zakir Husain College) Jawaharlal Nehru Marg (old Minto Road) New Delhi-110002.
16. Internet Service Providers Association of India rep by Its-President, 1509, Chiranjiv Towers, 43, Nehru Place, New Delhi-110019, India.

Respondents

WHEREAS the Petitioner above named through her Advocate Sri Jada Sravan Kumar, presented this writ 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 directions to the respondents by way of Mandamus or any other Writ, order, direction or directions a) to declare the action of the respondents no 5,6 and 7 in making efforts of tapping/ surveillance of phone calls of the some of the Hon'ble Judges of High Court of Andhra Pradesh and other Advocates who are appearing to defend the cases against the State Government of Andhra Pradesh, in contravention to Sec 5(2) of the Telegraph Act, 1885 and without following the guidelines mandated by the Hon'ble Supreme Court of India in the case of PEOPLES UNION FOR CIVIL LIBERTIES V/S UNION OF INDIA Eq. Citation 1997 (1) SCC 301 is illegal and a violation of fundamental right of privacy which is embodied under Art 14,16,19 and 21 of the Constitution of India.

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b) to order for an independent/time bound investigation by setting up a Special Investigation team (SIT) with the Central Bureau of Investigation to find out the truth in allegations levelled against the 5th 6th and 7th respondents, as the respondents with the active instigation of political bigwigs made an attempt to tap/kept surveillance on the phones of the some of the Hon'ble judges of High Court of Andhra Pradesh in order to tarnish the image of prestigious institution of judiciary c) Seeking stringent directions from this Hon'ble Court in framing comprehensive guidelines regarding tracing, tapping and surveillance of phone calls along with preparation of stocks and accountability of officials who are responsible d) Seeking stringent directions to the respondents no 10 to 16 not to allow any kind of request from any of the government agency for tapping or keeping surveillance on the mobile phones/personal information/data, of any individual except procedure established by law.

AND WHEREAS the High Court, upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Jada Sravan Kumar, Advocate for the Petitioner, Sri N.Harinath, Asst. Solicitor General for the Respondents 1 to 4, 8 and 15, Addl. Advocate General for the Respondent No.5, Sri C.Sumon, Spl. G.P. for the Respondents 6 & 7, directed to issue of notice to Respondents 9 to 14 & 16 herein returnable in four weeks to show cause as to why this writ petition should not be admitted in the circumstances set out in the petition and the affidavit filed in the Writ Petition.

You viz;

1. The Director, Central Bureau of Investigation (CBI), Plot No. 5-B, 6th Floor, CGO Complex, Lodhi Road, Jawaharlal Nehru Stadium Marg, New Delhi -110003.
2. The Supdt. of Police, Central Bureau of Investigation, 1-83-21/4 , MVP Double Rd, Sector 8, MVP Colony, Visakhapatnam, Andhra Pradesh 530017
3. The Chief Executive Officer, Jio- Reliance Jio Infocomm Ltd., RCP 14 (TC 23), Phase 4, B-Block , 3rd Floor, C 4 130 Twane-Belapur Road, Gansoli, Navi Mumbai 400701, Maharashtra, India.
4. The Chief Executive Officer, Vodafone-Idea, B Wing, Floor 8-12 The Birla Centurion, Plot No. 794, Worli, Pandurang Budhkar Marg, Century Mills, Lower Parel, Mumbai, Maharashtra 400030.
5. The Chief Executive Officer, Airtel, Sardar Patel Rt, Indian Airlines Colony, Patigadda, Begumpet, Hyderabad, Telangana 500 016.
6. The Chief Executive Officer, BSNL, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane Janpath, New Delhi-110 001.
7. The President, Internet Service Providers Association of India, 1509, Chiranjiv Towers, 43, Nehru Place, New Delhi-110019, India.

are directed to show cause either appearing in person or through an Advocate on or before 20-08-2020 to which date the case stands posted 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 2020:

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate interim direction to the Respondents no 7 and 8 to appoint an expert of Telecommunications, with immediate effect to find out the truth of tampering of Mobile Phones of Hon'ble Judges of High Court Andhra Pradesh, pending disposal of WP.No. 194/2020 on the file of the High Court.

The Court made the following **ORDER:**

(Taken up through video conferencing)

“ Sri Jada Sravan Kumar, learned counsel for the petitioner.

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Learned Assistant Solicitor General of India accepts notice on behalf of respondent Nos. 1 to 4, 8 and 15.

Learned Additional Advocate General accepts notice on behalf of respondent No.5.

Sri C.Sumon, learned special Government Pleader attached to the office of the learned Advocate General, accepts notice on behalf respondent Nos. 6 and 7.

Issue notice to the remaining respondents returnable in four weeks.

This Public Interest Litigation has been filed inter alia contending that as per the newspaper clipping, telephone tapping of the mobile phones of Judges of the High Court is taking place.

During the course of hearing, referring the judgments of Hon'ble the Supreme Court on the point of right to privacy, learned counsel for the petitioner contended that on account of passing of some orders by the Court, tapping of mobile phones of the judges is planned, with intent to malign the institution, and with the connivance of the Government, one IPS Officer is supervising all those activities. He submits that he will file an affidavit bringing those facts on record.

As prayed, list this case on 20-08-2020 for further orders."

SD/- R.KARTHIKEYAN
AS ASSISTANT REGISTRAR

// TRUE COPY //


for ASSISTANT REGISTRAR

To

1. The Director, Central Bureau of Investigation (CBI), Plot No. 5-B, 6th Floor, CGO Complex, Lodhi Road, Jawaharlal Nehru Stadium Marg, New Delhi -110003.
2. The Supdt. of Police, Central Bureau of Investigation, 1-83-21/4 , MVP Double Rd, Sector 8, MVP Colony, Visakhapatnam, Andhra Pradesh 530017
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5. The Chief Executive Officer, Airtel, Sardar Patel Rt, Indian Airlines Colony, Patigadda, Begumpet, Hyderabad, Telangana 500 016.
6. The Chief Executive Officer, BSNL, Bharat Sanchar Bhavan, Harish Chandra Mathur Lane Janpath, New Delhi-110 001.
7. The President, Internet Service Providers Association of India, 1509, Chiranjiv Towers, 43, Nehru Place, New Delhi-110019, India.
(1 to 7 by RPAD along with a copy of Petition and affidavit)
- 8 Sri N.Harinath, Asst. Solicitor General, High Court, A.P.
- 9 Two CCs to Addl. Advocate General, High Court, A.P.(OUT)
- 10 Sri C.Sumon, Spl. Government Pleader, High Court, A.P.
- 11 One CC to Sri Jada Sravan Kumar, Advocate (OPUC)
- 12 Two spare copies.

SAH

HIGH COURT

HCJ & DRJ

DATED: 18-08-2020

**NOTE: LIST THE CASE ON 20-08-2020
FOR FURTHER ORDERS**

NOTICE BEFORE ADMISSION

WP(PIL).NO. 194 OF 2020

