

Consultants

DATO' SERI MOHD HISHAMUDIN YUNUS
DATO' DOMINIC PUTHUCHEARY

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Senior Partner

DATUK D. P. NABAN

17 April 2025

Partners

AUSTEN EMMANUEL PEREIRA
BAHARI YEOW TIEN HONG
CHIA LOONG THYE
DAVID LEE LAI HUAT
FALISA ABU BAKAR
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S. SARAVANA KUMAR
STEVEN PERIAN KC
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TEO SIANG LY
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YAP WAI MING

(All names in alphabetical order)

Commissioner Of Oaths

Notary Public

Mediator (MMC)
Registered Trademark, Patent,
Industrial Design Agent
& Franchise Consultant

**(1) YB Datuk Ahmad Fahmi bin Mohamed Fadzil
Menteri, Kementerian Komunikasi**

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Aras 37, Lot 4G9
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PER: 1. Pengambilan Paksa Menara KL pada 16.4.2025 @ 12 Tengah Malam
2. MTKL Guaman Sivil No.: WA-21NCvC-22-03/2025
3. MTKL Permohonan Semakan Kehakiman No. WA-25-80-04/2025

Kami merujuk perkara tersebut di atas. Seperti sedia maklum kami mewakili **Hydroshoppe Sdn Bhd dan Menara Kuala Lumpur Sdn Bhd.**

2. Pada 27.3.2025, anak guaman kami telah memfailkan satu Writ dan Pernyataan Tuntutan dalam MTKL Guaman Sivil No.: WA-21NCvC-22-03/2025 terhadap YB Datuk Ahmad Fahmi bin Mohamed Fadzil (Menteri, Kementerian Komunikasi), Kerajaan Malaysia, LSH Service Master Sdn Bhd (LSHSM), LSH Best Builders Sdn Bhd dan Service Master (M) Sdn Bhd berkenaan konsesi Menara KL termasuk satu permohonan injunksi sementara. Mahkamah telah menetapkan 9.6.2025 sebagai tarikh pendengaran bagi permohonan injunksi tersebut.
3. Pada masa yang sama, terdapat rayuan di Mahkamah Rayuan No. W-01(IM)(NCvC)-158-04/2025 berkenaan satu injunksi ad interim yang ditetapkan untuk perbicaraan pada 30.5.2025.
4. Pada 3.4.2025 dan 9.4.2025, Pesuruhjaya Tanah Persekutuan (PTP) telah mengeluarkan Notis Pengusiran atas arahan Kementerian Komunikasi (KK) untuk mengambil alih secara paksa tapak Menara KL untuk diserahkan kepada anak syarikat Lim Seong Hai Capital Bhd yang kononnya telah mendapat konsesi baru ke atas Menara KL.
5. Oleh kerana permohonan injunksi interim telahpun ditetapkan untuk pendengaran, maka anak guaman kami menganggap tindakan PTP sebagai usaha untuk menukar status quo hal perkara pertikaian ini.
6. Pada 12.4.2025, anak guaman kami telah memfailkan Permohonan Semakan Kehakiman No. WA-25-80-04/2025 terhadap PTP dan Kerajaan untuk membatalkan Notis-Notis Pengusiran PTP tersebut.

7. Pada 12.4.2025, kami telah menyerahkan Notis Permohonan Semakan Kehakiman tersebut kepada PTP dengan menyatakan bahawa apa-apa tindakan yang mengganggu-gugat kedudukan kes adalah satu pelanggaran proses di mana anak guaman kami akan mengambil tindakan undang-undang terhadap tindakan tersebut.
8. Namun, pada 16.4.2025, KK telah mengeluarkan Notis awam yang menyatakan bahawa Menara KL akan ditutup untuk kerja-kerja penyelenggaraan. Notis ini adalah Notis Bohong.
9. Fakta sebenar ialah:
 - 9.1 Pada 16.4.2025 jam 12 malam KK, PTP, PDRM dan DBKL telah menggempur Menara KL dan mengambilalih secara paksa kawasan Menara KL. Ini dilakukan tanpa mengendahkan fakta bahawa telah ada kes Guaman Sivil dan kes Semakan Kehakiman.
 - 9.2 Perbuatan ala samseng yang dilakukan oleh KK, PTP, PDRM dan DBKL untuk menyokong syarikat LSHSM dalam mengambilalih konsesi yang dalam pertikaian Mahkamah merupakan satu pencabulan terang-terangan terhadap sistem keadilan negara.
 - 9.3 Semasa operasi rampasan paksa dijalankan oleh penguatkuasa kerajaan, kakitangan syarikat LSHSM turut terlibat dalam operasi penutupan Menara KL. Beberapa kakitangan LSHSM bersama-sama penguatkuasa kerajaan memasuki premis Menara KL, walaupun sebelum itu pihak penguasa sudah memberitahu tiada kakitangan LSHSM terlibat dalam operasi ini. Ini jelas menunjukkan penyalahgunaan kuasa kerajaan untuk kepentingan individu berkepentingan.
 - 9.4 KK dan PTP seharusnya tidak membuat pelanggaran-pelanggaran yang mencemar kedaulatan proses undang-undang yang akan merosakkan Malaysia sebagai sebuah negara hukum. Perbuatan seperti ini mempamerkan "*might is right*" dimana undang-undang rimba digunakan untuk menyelesaikan pertikaian.
10. Memandangkan kes Guaman Sivil dan kes Semakan Kehakiman masih berjalan di Mahkamah, pihak-pihak haruslah menghormati proses undang-undang dan tidak sepatutnya mengambil tindakan sendiri yang boleh menjejaskan atau memusnahkan subjek pertikaian yang sedang dibicarakan: "*Our answer to the first question would be in the affirmative subject to the qualification that there is no wanton destruction of the subject matter with the intention of impeding a pending proceeding for Mareva injunction.*" – **Monatech (M) Sdn Bhd v Jasa Keramat Sdn Bhd [2002] 4 MLJ 241 di 249, MYFC.**
11. Dalam apa jua keadaan, dukacita kami maklumkan bahawa kami dengan ini mendapat arahan untuk mengambil tindakan komital terhadap pihak-pihak yang memainkan peranan dalam rampasan paksa ini. Kami memohon supaya pihak KK dan PTP tidak mengeruhkan lagi keadaan ini dengan menyerahkan MKL kepada LSHSM sedangkan pertikaian ini telahpun dirujukkan untuk pengadilkan Mahkamah.
12. Hak-hak anak guaman kami direzab sepenuhnya.

Sekian, terima kasih.

Yang benar,

ROSLI DAHLAN SARAVANA PARTNERSHIP



Datuk DP Naban / Elani Mazlan

Rakan Kongsi / Peguam

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S.k. Anak guaman

TERJEMAHAN

TRANSLATION

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(2) YBhg. Datuk Muhammad Azmi Bin Mohd Zain
Federal Lands Commissioner

Aras 3, Podium 1, Wisma Sumber Asli
No. 25, Persiaran Perdana, Presint 4
62574 Putrajaya

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RE: 1. Forcible Takeover of Menara KL on 16.4.2025 @ 12 Midnight
2. KLHC Civil Suit No.: WA-21NCvC-22-03/2025
3. KLHC Judicial Review Application No.: WA-25-80-04/2025

We refer to the above matters. As you are aware, we represent **Hydroshoppe Sdn Bhd** and **Menara Kuala Lumpur Sdn Bhd**.

2. On 27.3.2025, our clients filed a Writ and Statement of Claim in KLHC Civil Suit No.: WA-21NCvC-22-03/2025 against YB Datuk Ahmad Fahmi bin Mohamed Fadzil (Minister, Ministry of Communications), the Government of Malaysia, LSH Service Master Sdn Bhd (LSHSM), LSH Best Builders Sdn Bhd, and Service Master (M) Sdn Bhd concerning the Menara KL concession, including an application for an interim injunction. The Court has fixed 9.6.2025 as the hearing date for the said injunction application.
3. At the same time, there is an appeal at the Court of Appeal No. W-01(IM)(NCvC)-158-04/2025 concerning an ad interim injunction which is scheduled for hearing on 30.5.2025.
4. On 3.4.2025 and 9.4.2025, the Federal Lands Commissioner (PTP) issued Eviction Notices at the direction of the Ministry of Communications (KK) to forcibly take over the Menara KL site and hand it over to a subsidiary of Lim Seong Hai Capital Bhd, which allegedly has obtained a new concession over Menara KL.
5. As the interim injunction application has already been fixed for hearing, our clients regard the actions of KK and PTP as an attempt to alter the status quo of the dispute.
6. On 12.4.2025, our clients filed Judicial Review Application No. WA-25-80-04/2025 (JR) against the PTP and the Government to quash the said Eviction Notices issued by the PTP.

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7. On 12.4.2025, we served the Notice of the Judicial Review Application on PTP, stating that any action which disrupts the status of the ongoing case constitutes a breach of process, and that our clients would initiate legal action in respect of such conduct.
8. However, on 16.4.2025, KK issued a public Notice stating that Menara KL would be closed for maintenance works. This notice is a False Notice.
9. The actual facts are as follows:
 - 9.1 On 16.4.2025 at 12 midnight, KK, PTP, PDRM and DBKL raided Menara KL and forcibly took over the Menara KL premises. This was done in blatant disregard of the fact that there were ongoing Civil Suit and JR proceedings.
 - 9.2 The forcible thug-like conduct by KK, PTP, PDRM, and DBKL in supporting LSHSM to take over a concession currently under Court dispute is a wanton destruction of the country's justice system.
 - 9.3 During the forcible take-over conducted by government enforcement officers, LSHSM personnel were also involved in the shutdown of Menara KL. Several LSHSM staff, together with government officers, entered Menara KL premises, although authorities had earlier stated that LSHSM staff would not be involved. This clearly shows an abuse of governmental power for the benefit of individual interests.
 - 9.4 KK and PTP should not commit violations that undermine the sanctity of legal processes and tarnish Malaysia's image as a rule-of-law country. Such acts display a "might is right" attitude, where lawlessness is used to resolve disputes.
10. As the Civil Suit and JR are still pending before the Court, parties must respect the legal process and should not take matters into their own hands to disrupt or destroy the subject matter of the proceedings currently before the Court: *"Our answer to the first question would be in the affirmative subject to the qualification that there is no wanton destruction of the subject matter with the intention of impeding a pending proceeding for Mareva injunction."* – **Monatech (M) Sdn Bhd v Jasa Keramat Sdn Bhd [2002] 4 MLJ 241 di 249, MYFC.**
11. Be that as it may, we are instructed to initiate committal proceedings against those involved in this forcible takeover. We urge KK and PTP not to worsen the situation by handing over Menara KL to LSHSM as the matter has already been referred to the Court for justice to be served.
12. Our clients' rights are fully reserved.

Thank you.

Yours faithfully,

ROSLI DAHLAN SARAVANA PARTNERSHIP

RDS

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Partner / Senior Associate

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C.c. Clients