

APHC010287532018

**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI**

[3446]

**WP(PIL) NO: 110 of 2018 & W.P.No.625 of 2026****W.P.(PIL).No.110 of 2018**Visakhapatnamtown Fisher Women Dry Fish Cooperative Society ...Petitioner  
Limited.

Vs.

Union Of India and Others

...Respondent(s)

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Advocate for Petitioner:

K S MURTHY ASSOCIATES

Advocate(s) for Respondent(s):

GP FOR REVENUE (AP), DEPUTY  
SOLICITOR GENERAL OF INDIA, A  
S C BOSE (SC FOR MUNICIPAL  
CORPORATIONS AP), GP FOR  
TOURISM(AP), K V SIMHADRI,  
BOLLA VENKATA RAMA RAO SC  
For APPCB, SRINIVASULA REDDY  
VAJRALA SC FOR APTDC Ltd,  
KIRTHI TEJA KONDAVEETI**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR  
SRI JUSTICE R RAGHUNANDAN RAO****DATE : 23.04.2026****Date of Judgment Reserved : 12.03.2026****Date of Pronouncement : 23.04.2026****Date of Upload : 23.04.2026**

**P.C :**

(per Hon'ble Sri Justice R. Raghunandan Rao)

As the issues raised in both these Writ petitions covered the same subject matter, they are being disposed of, by way of this common order.

2. Heard Sri K.S.Murthy, the learned Senior Counsel appearing for Sri Ponnada Sreevyas, learned counsel for the petitioner in W.P.(PIL).No.110 of 2018, Sri P. Roy Reddy, learned counsel for the private respondents in W.P.(PIL).No.110 of 2018, Sri Yathinder Dev, the learned Standing Counsel for A.P. Tourism and Sri Ch. Dhanamjaya, the learned Additional Solicitor General and Smt. Pranathi, the learned Special Government Pleader appearing for the respondents in W.P.(PIL).No.110 of 2018. Sri Yathinder Dev is also appearing for the petitioner in W.P.No.625 of 2026.

3. The petitioner in W.P.(PIL).110 of 2018 is a Co-operative Society of Fisher Women of Visakhapatnam Town. The contention of the petitioner is that the Andhra Pradesh Tourism Development Authority, which is respondent No.9 and M/s.Andhra Pradesh Tourism Development Corporation Limited, which is respondent No.10 in the present W.P.(PIL).110 of 2018 and the petitioner in W.P.No.625 of 2026, have together initiated steps for establishing a tourism hub including setting up of structures, for setting up of brewery, resto-bar etc., in an extent of Ac.2.40 cents in Sy.No.314 of Kapuluppadu Revenue Village, and the same is illegal inasmuch as the establishment of such structures is prohibited under the CRZ-2011 notification as the structures

and the activities proposed in these structures endanger the environment of the sea shore. The petitioner also contended that the Ministry of Environment and Forests, in its order dated 04.03.2005, had made it clear that no structures can come up on sea-side of the road to Bheemunipatnam, while the subject land was in this area. The petitioner would also point out to the earlier order of the erstwhile High Court of Andhra Pradesh in W.P.No.8177 of 2007 which had directed removal of yatching yard constructions in the very same area. The petitioner contended that a small restaurant was first established, for tourists, visiting Thotla Konda Buddhist site. However, this small structure has expanded into a full fledged hotel resort including concrete structures and a bar cum hotel with rooms, which can be given on rent. The petitioner contended that this full fledged hotel resort, which is being run by the 12<sup>th</sup> respondent, also requires to be removed. The Union of India filed a counter affidavit in which it was stated that the CRZ notification of 2011 imposed the following restrictions:

(i) the land area from High Tide Line (hereinafter referred to as the HTL) to 500mts on the landward side along the sea front.

(ii) CRZ shall also apply to the land area between HTL to 100 mts or width of the creek whichever is less on the landward side along the tidal influenced water bodies that are connected to the sea. Explanation, For the purposes of this sub-paragraph the expression tidal influenced water bodies means the water bodies influenced by tidal effects from sea, in

the bays, estuaries, rivers, creeks backwaters, lagoons, ponds connected to the sea or creeks and the like.

(iii) the land area falling between the hazard line and 500mts from HTL on the landward side, in case of seafront and between the hazard line and 100mts line in case of tidal influenced water body.

(iv) land area between HTL and Low Tide Line (hereinafter referred to as the LTL) which will be termed as the intertidal zone.

(v) the water and the bed area between the LTL to the territorial water limit (12 Nm) in case of sea and the water and the bed area between LTL at the bank to the LTL on the opposite side of the bank, of tidal influenced water bodies.

4. In this counter affidavit, it was also stated that the CRZ is split into three zones namely; CRZ-I to CRZ-III and different restrictions would be applicable to different zones. The 1<sup>st</sup> respondent had held that no permissions had been granted by Minister of Environment and Forests, for any of the constructions which are sought to be removed, in the present Writ Petition and that the structures, which fall within the No development zone of CRZ-III area, are not permissible.

5. The Andhra Pradesh Tourism Development Corporation, in its affidavit filed in support of W.P.No.625 of 2026 states as follows:

- a) An extent of Ac.2.11 cents of land in Sy.No.314 (old)/Sy.No.412 (new) of Kapuluppadu Village, which is government land had been put up for lease agreements, on an operation and management basis. After following a public transparent building process, the successful bidder had been handed over the said land under an O&M Agreement, dated 09.08.2017. However, the Commissioner, Greater Visakhapatnam Municipal Corporation had issued a Speaking Order, dated 19.11.2025, directing removal of the structures erected in this land within two weeks.
- b) The Tourism Development Corporation challenge this order on the ground that the said order is vitiated by gross violation of principles of natural justice inasmuch as the Tourism Development Corporation was not afforded any meaningful or effective opportunity of a personal hearing, and no scope was left for submitting any explanation. The further grievances of the Tourism Development Corporation is that the Corporation was treated on par with private unauthorized builders despite the fact that the land belongs to the government land and the development was carried out pursuant to State policy after obtaining administrative sanction. The impugned proceedings, dated 19.11.2025, issued by the Commissioner, state that neither the leaseholder nor the Tourism Development Corporation had obtained any building permission from the Greater

Visakhapatnam Municipal Corporation for erecting the thatched rural hubs, sea facing structures, swimming pool and sports facilities. The Commissioner also stated that notices had earlier been served on the Tourism Development Corporation also to show cause why these structures should not be removed and the Tourism Development Corporation had submitted an explanation on 09.04.2025 which had been rejected on 25.04.2025.

- c) M/s. Andhra Pradesh Tourism Development Corporation, while claiming violation of principles of natural justice, has not disputed the fact that no building permission or permission of any nature, including permissions required under Section 428 of the A.P.M.C Act, had not been obtained. Further, the Tourism Development Corporation appears to be under the mistaken impression, that the law would not apply to a State Corporation. This Court must disabuse the Tourism Development Corporation from any such notion of special protection or exemption from the provisions of law.

6. The learned counsel appearing for the leaseholders would contend that there has been a subsequent revision of CRZ restrictions, by way of a notification, issued in the year 2020. It is submitted that the structures, which are sought to be demolished would have survived, under the CRZ- 2020 regulations. However, the State has chosen not to implement or notify these regulations and steps are being taken against the leaseholders as well as the

Tourism Development Corporation, by applying the CRZ 2011 restrictions, and the same is impermissible.

7. The fact remains, that the CRZ-2020 regulations have not been brought into force, due to which CRZ-2011 notification remains in force. However, we do not propose to go into this issue inasmuch as the said structures do not have any building permission required under the relevant Municipal Acts.

8. During the pendency of the PIL 110 of 2018, the greater Visakhapatnam Municipal Corporation (GVMC) had initiated steps to demolish the structures, in question, on the ground that, these structures had been erected, without obtaining any building permission, as required under the APMC Act, from the GVMC. Initially, the lease holder, who is respondent No. 12, in PIL No. 110 of 2018, was called upon to show proof of ownership and building permissions, for the disputed structures. The lease holder had stated that, he had obtained the land on lease from the Tourism Development Corporation and that permission for construction had also been obtained from the Tourism Development Corporation. Thereupon, the Tourism Development Corporation, was called upon to explain the unauthorized construction. A reply appears to have been filed, by the Tourism Development Corporation, on 09.04.2025. This explanation was disposed on 25.04.2025, holding that proper explanation has not been given.

9. Thereafter, further inspections were carried out, on their own accord and in compliance of directions given by this court, by the GVMC. After all these inspections, a speaking order was passed by the Commissioner, GVMC, dated 19.11.2025, calling upon the lease holder/Tourism Development Corporation, to remove the structures, within 2 weeks, failing which the GVMC would take further action. Aggrieved by this order, the Tourism Development Corporation, has filed W.P.No. 625 of 2026, challenging the said order.

10. The sum and substance of the contentions of the Tourism Development Corporation is that the corporation was not given any notice before the impugned order had been passed and that there is violation of principles of natural justice. The Tourism Development Corporation, has taken a further ground which is curious. It is contended that, the impugned order could not have been passed as the structures in question have been set up by a Government entity, in pursuance of government policy. This Court has to disabuse the Petitioner, from the notion, that the law of the land does not apply to State entities. The adage, "Howsoever high you may be, the Law is above you" is valid in this day and time also. It is unfortunate that such contentions are being raised.

11. The Tourism Development Corporation had been given a chance to show the necessary building permissions. No such permission had been placed before the GVMC authorities. Further, the Tourism Development Corporation, does not, even at this stage, contend that valid permissions for

construction of such structures had been obtained. In view of the above facts, there is no violation of principles of natural justice as the Tourist Development Corporation was given adequate opportunity, in the year 2025 itself. As no building permission was obtained by the Tourism Corporation, it must be held that all these structures are clearly illegal and require to be removed.

12. In the circumstances, W.P.(PIL).No.110 of 2018 is allowed and W.P.No.625 of 2026 is dismissed, with further directions to the Commissioner, Greater Visakhapatnam Municipal Corporation, to implement the order of demolition, issued on 19.11.2025, within a period of three weeks from the date of receipt of this order. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

**DHIRAJ SINGH THAKUR, CJ**

**R RAGHUNANDAN RAO, J**

RJS

**HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE**

**&**

**HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**

**W.P.(PIL).No.110 of 2018 & W.P.No.625 of 2026**

**(per Hon'ble Sri Justice R.Raghunandan Rao)**

**23.04.2026**

**RJS**

