

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY ,THE NINTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO



WRIT PETITION NO: 7028 OF 2019 &

WRIT PETITION(PIL) NO.99 OF 2024

WRIT PETITION NO:-7028 OF 2019:

Between:

D & D Enterprises, a registered Partnership Firm, Sy.No.116/16D,
Yendada Village, Opp: Senora Beach Resorts, Bay Front Horse Club,
Musalayyapalem, Visakhapatnam, Rep. by its Managing Partner, L.Dilip
Chakravarthy.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Velagapudi, Amaravathi, Guntur District
2. Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Rep. by its Commissioner

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of mandamus, declaring the action of the 2nd respondent in interfering with the petitioner's peaceful possession and enjoyment of premises bearing D.No.1-2/1/1, Jodugullapalem (Musalayypalem), Yendada Village, Visakhapatnam Rural Mandal, Visakhapatnam District, as illegal, arbitrary, without jurisdiction, in violation of the principles of natural justice and contrary to the safeguards provided for by virtue Articles 14, 19(1)(g) and 300-A of the Constitution of India and consequently direct the 2nd respondent to refrain from doing so and pass

IA NO: 1 OF 2019

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent not to interfere in any manner, whatsoever, with the petitioner's peaceful possession and enjoyment of premises bearing D.No.1-2/1/1, Jodugullapalem (Musalayypalem), Yendada Village, Visakhapatnam Rural Mandal, Visakhapatnam District, Pending disposal of WP 7028 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri V SURYA KIRAN KUMAR Advocate for the Petitioner, GP FOR MUNICIPAL ADMN URBAN DEV for the Respondent No.1; Sri A.S.C. Bose, Standing Counsel for the Respondent No.2.

WRIT PETITION(PIL) NO.99 OF 2024

Between:

Yalamanchili Rajesh, S/o Chinna Rao, R/o D.No C-66, Yalamanchili
Doddi, T. Devada Post, PedagantyadaMandal, Visakhapatnam -
530031.

Petitioner

AND

1. Union of India (MoEFCC), Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi - 110 003.
2. The State of Andhra Pradesh, Rep. by its Principal Secretaiy, Revenue
Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur-
522503.
3. APCZMA, Rep. by its Chairman, D.No.33-26-14 D/2, Near Sunrise
Hospital, Chalamavari Street, Kasturibaipet, Vijayawada-520010.
4. Directorate of Town & Country Planning, Rep. by its Director, MGM
Capital, Ground Floor, Near NRI Hospital NH Flyover, Chinakakani,
Mangalagiri, Andhra Pradesh- 522508.
5. GVMC, Rep. by its Commissioner, S Jail Rd, Dwaraka Nagar,
Visakhapatnam, Andhra Pradesh- 530004.
6. D Cabanna Family Restaurant, Rep. by its Owner, L. Dilip
Chakravarthy, Musalaya Palem Gramam, Musalayya Palem,
Visakhapatnam, Andhra Pradesh- 530045

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue an appropriate Writ, Order or Direction more particularly one in the nature of Mandamus to order respondent No. 5 to seize and demolish the building of Respondent 6 and to order Respondent No. 1 & 2 to initiate an inquiry against Respondent No. 3 and 5 for not taking action against Respondent No. 6 for constructing a building and running business without getting approval and for violating the CRZ rules over 10 years.

IA NO: 2 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue direction, to keep in abeyance the Order, dt.31.07.2024 passed in W.P. (PIL) No.99 of 2024, till the said W.P (PIL) No.99 of 2024 is heard, in the interest of justice, Pending disposal of WP(PIL) 99 of 2024, on the file of the High Court.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant an order of preliminary injunction to restrain the business of Respondent No. 6 until the case is decided by this Hon'ble Court on its merits, Pending disposal of WP(PIL) 99 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. LALAM SYAMANTHA Advocate for the Petitioner, Deputy Solicitor General of India for the Respondent No.1; GP for Revenue for the Respondent No.2; Sri A.S.C. Bose, Standing Counsel for the Respondent No.5; Sri VADREVU S K KRISHNA KANTH, Advocate for the Respondent No.6 and the Court made the following.

ORDER

“By virtue of our order, dated 05.03.2025, passed in W.P. (PIL) Nos.53 of 2024 & Batch, we had directed constitution of a Committee to inspect the spot where it was stated that the structures had come up in the prescribed Coastal Zones in violation of the Coastal Zone Regulations. The Committee has since submitted a report in regard to those structures.

In the present case also, it is stated that there is a restaurant by name 'D Cabanna', which is situate in Yendada Village, Bhimunipatnam Mandal of Visakhapatnam District, which also has been established and is running its business in gross violation of the Coastal Zone Regulations.

We direct the same Committee which has conducted an inspection in W.P(PIL) Nos.53 & 206 of 2024 to also conduct a detailed inspection and report the violations on the spot with a view to enable this Court to take further action. The inspection be conducted positively within a period of three weeks.”

//TRUE COPY//

For

SD/-SK MD RAFI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, The State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.[By Special Messenger]
2. The Principal Secretaiy, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur-522503.[1 & 2 By Special Messenger]

3. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam
4. Union of India (MoEFCC), Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 110 003.
5. The Chairman, APCZMA, D.No.33-26-14 D/2, Near Sunrise Hospital, Chalamavari Street, Kasturibaipet, Vijayawada-520010.
6. The Director, Directorate of Town & Country Planning, MGM Capital, Ground Floor, Near NRI Hospital NH Flyover, Chinakakani, Mangalagiri, Andhra Pradesh- 522508.
7. The Commissioner, GVMC, S Jail Rd, Dwaraka Nagar, Visakhapatnam, Andhra Pradesh- 530004.
8. The Owner, D Cabanna Family Restaurant, L. Dilip Chakravarthy, Musalaya Palem Gramam, Musalayya Palem, Visakhapatnam, Andhra Pradesh- 530045(3 to 10 by SPEED POST)
9. One CC to SRI. V SURYA KIRAN KUMAR Advocate [OPUC]
10. One CC to M/s. LALAM SYAMANTHA Advocate [OPUC]
11. One CC to Sri VADREVU S K KRISHNA KANTH, Advocate [OPUC]
12. One CC to Sri A.S.C. Bose, Standing Counsel [OPUC]
13. One CC to Deputy Solicitor General of India, High Court of A.P. [OPUC]
14. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV ,High Court Of Andhra Pradesh. [OUT]
15. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
16. **Two spare copies**

HIGH COURT

HC,J

&

RRRJ

DATED:09/10/2025

LIST ON 16.10.2025

ORDER

WP.No.7028 of 2019 & WRIT PETITION(PIL) NO.99 OF 2024

DIRECTION

