

[3209]
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
MONDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE
:PRESENT:
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 17075 OF 2023



Between:

01. Tammu Venkatesulu,
S/o Laxmanaswami, Aged 60 years.
02. Tirumani Adinarayana,
S/o Veerraju, Aged 35 years.
03. Tirumani Narasimhaswamy,
S/o Krishna, Aged 42 years.
04. Tirumani Adilaxmi,
W/o Venkataratnam, Aged 63 years.
05. Pothabathula Seethamma,
D/o Thathayya, Aged 50 years.
06. Tirumani Satyanarayana,
S/o Veerraju, Aged 40 years.
07. Pothabathula Yesu,
S/o Pothuraju, Aged 55 years.
08. Pothabathula Naga Jyothi,
W/o Veerabhadram, Aged 35 years.
09. Pothabathula Satyanarayana,
S/o Ramaswamy, Aged 53 years.
10. Tirumani Sarojini,
W/o Satyanarayana Aged 40 years.

11. Kollati Seetaramaraju,
S/o Nageswara Rao Aged 40 years.
12. Andraju Nageswaramma,
D/o Venkateswarulu Aged 43 years.
13. Sankarapu Pothuraju,
S/o Thathayya Aged 55 years.
14. Sankarapu Dasaradhu,
S/o Pothuraju, Aged 40 years.
15. Sankarapu Veerla Venkayya
S/o Nageswara Rao, Aged 52 years.
16. Andraju Vaddi Kasulu,
S/o Mutyalu, Aged 45 years.
17. Tirumani Narasimha Swamy,
S/o Tukarao, Aged 40 years.
18. Andraju Mutyala Raju,
S/o Venkata Reddy, Aged 35 years.
19. Andraju Durga,
W/o Vaddi Kasulu, Aged 30 years.
20. Andraju Sreenu,
S/o Venkateswarlu, Aged 38 years.
21. Revu Durga Rao,
S/o Nageswara Ro, Aged 39 years.
22. Karri Savithri,
W/o Samoru, Aged 55 years.
23. Andraju Sreenivasa Rao,
S/o Nageswara Rao, Aged 35 years.
24. Andraju Anjaneyulu,
S/o Govindu, Aged 38 years.

25. Andraju Mutyala Raju,
S/o Krishna Murthy, Aged 38 years.
26. Andraju Yesu Babu,
S/o Venkateswarlu, Aged 35 years.
27. Yadla Malathi,
W/o Narasimha Rao, Aged 31 years.
28. Andraju Ramulamma,
D/o Venkateswarlu, Aged 30 years.
29. Andraju Kumari,
W/o Sreenu, Aged 25 years.
30. Pothabathula Veerabhadru,
S/o Yesu Babu, Aged 28 years.
31. Tirumani Bhagya Lakshmi,
W/o Murali Krishna, Aged 25 years.
32. Jella Bhagya Lakshmi,
W/o Satyanarayana, Aged 32 years.
33. Tirumani Maha Lakshmi,
W/o Bala Mohan, Aged 28 years.
34. Tirumani Murali Krishna,
S/o Venkata Ratnam, Aged 30 years.
35. Tirumani Venkata Ratnam,
S/o Bala Krishna, Aged 58 years.
36. Andraju Drakshavalli,
W/o Daveedu, Aged 26 years.
37. Andraju Narasimha Swamy,
S/o Govinda Raju, Aged 35 years.
38. Tirumani Nagaraju,
S/o Krishna Murthy, Aged 36 years.

39. Karani Ramanujamma,
D/o Gangaraju, Aged 50 years.
40. Vatadi Jayalakshmi,
D/o Venkateswarlu, Aged 40 years.
41. Penubothu Arjuna Rao,
S/o Sriramulu, Aged 52 years.
42. Tirumani Pothuraju,
S/o Narasimha Murthy, Aged 38 years.
43. Andraju Satyanarayana,
S/o Venkteswarlu, Aged 38 years.
44. Siriki Bhagyalakshmi,
W/o Eswara Rajasekhara Babu, Aged 45 years.
45. Penupothula Prakash,
S/o Venkateswarlu, Aged 45 years.
46. Myla Vijaya Lakshmi,
W/o Lakshmana Rao, Aged 35 years.
47. Andraju Venkateswarlu,
S/o Veera Swamy, Aged 38 years.
48. Andraju Krishna,
S/o Venkateswarlu, Aged 35 years.
49. Moka Arjuna Rao,
S/o Lakshmana Swamy, Aged 45 years.
50. Andraju Sreenu,
S/o Veerla Venkayya, Aged 35 years.
51. Moka Rama Rao,
S/o Lakshmana Rao, Aged 55 years.
52. Gadi Musalaiah,
S/o Subbarao, Aged 55 years.

53.Moka Ramanjaneyulu, S/o Ramarao, Aged 28 years.
All Petitioners are R/o Perupalem South Village, Mogalthuru Mandal, West Godavari District.

Petitioners

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
2. The Andhra Pradesh Pollution Control Board, Rep. by its Chairman, Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Autonagar, Vijayawada.
3. The District Collector, West Godavari District, Bhimavaram.
4. The Sub-Collector, West Godavari District. Narasapuram,
5. The Tahsildar, Mogalthuru Mandal, West Godavari District.
6. The Village Revenue Officer, Perupalem South Village, Mogalthuru Mandal, West Godavari District.

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 order, writ or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the respondent authorities in initiating construction activities by altering the sand dunes in land admeasuring an extent of ac. 116.24 cts of un assessed survey number of the beach front of Perupalem South Village, Mogalthuru Mandal, West Godavari District in the name of development of tourism as illegal, arbitrary and violative of Article 14 and 21 Constitution of India and consequently direct the respondents to stop all the activities being undertaken by the respondents herein and further direct the respondents to remove all the structures laid in various extents of un-assessed survey numbers in the beach front of Perupalem South Village, Mogalthuru Mandal, West Godavari District by making it clear that, no activities shall be permitted in No Development Zone in violation to CRZ regulations by defeating the livelihood of the fishermen community.

I.A.NO.2 OF 2023:

Petition under Section 151 of 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 respondent authorities not to permit any development or construction or any other tourism activates in the land admeasuring an extent of ac 116.24 cts of unassessed survey number of the beach front of Perupalem south Village, Mogalthuru mandal, West Godavari District by further cutting the existing tress in lands under cultivation of the petitioners, Pending disposal of WP No. 17075 of 2023, on the file of the High Court.

IA NO: 1 OF 2023

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 respondents to forthwith stop all the construction activates in various un


assessed survey numbers of the beach front in Perupalem South Village, Mogalthuru Mandal, West Godavari District, Pending disposal of WP 17075 of 2023, 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 the orders of the High Court, dated 13.07.2023 & 27.09.2023 made herein and upon hearing the arguments of Sri K.S Murthy, learned senior counsel appearing for Sri Ponnada Sree Vyas, Advocate for the Petitioners and the Assistant Government Pleader for Revenue for the Respondent Nos. 1, 3 to 6, Sri V. Surender Reddy, learned Standing Counsel for the respondent No.2, the Court made the following

ORDER:

“Interim orders granted on the earlier occasion shall stand extended by four (4) weeks.”

//TRUE COPY//

Sd/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri Ponnada Sree Vyas Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
3. One CC to Sri V. Surender Reddy, Standing Counsel [OPUC]
4. One spare copy

ER

HIGH COURT

NJSJ

DATED:09.10.2023

**LIST THIS CASE AFTER DUSSEHRA VACATION, 2023
ALONG WITH W.P.NO.34470 OF 2022.**

ORDER

WP.No.17075 of 2023

STATUS QUO EXTENDED

