

**WP(PIL) NO: 53 of 2024 along with
WP(PIL).No.206 of 2024**

P L V N Murthy @ Murthy Yadav

...Petitioner

Vs.

Union of India and others

...Respondents

Advocate for Petitioner : Mr. K S Murthy, Sr. Counsel appearing
for Mr. Ponnada Sree Vyas in
WP(PIL).No.53 of 2024

Mr. N. Joy in WP(PIL).No.206 of 2024

Advocate(s) for Respondent(s): Mrs. S. Pranathi (Spl.GP)
Mr. P Subash,
GP for Revenue,
Deputy Solicitor General of India,
Mr. Yelisetti Somaraju (Standing
Counsel APPCB)

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATI****DATE : 5th February, 2025****P C :**

WP(PIL).No.53 of 2024 pertains to removing the unauthorized construction and violations by various private entities in purported violation of the coastal zone regulations.

On 11.09.2024, Mrs. S. Pranathi, learned Special Government Pleader for the State, had submitted that some of the violations committed by private respondent No.9 had been removed and that further show cause notice had

been issued on 10.09.2024 to which further response was awaited from the said respondent No.9.

In our order, dated 18.09.2024, we had made it clear to the official respondents that in the absence of any prohibitory orders from any Court, the pendency of the present proceedings would not hamper the proceedings initiated by the GVMC in any manner for removing the violations.

It appears that initially the GVMC was prevented from taking action whole hog against the unauthorized constructions in view of certain interim directions issued by learned single Judge of this Court, which it is now stated have not been extended and are no longer in force.

By virtue of our order dated 25.09.2024, we had directed respondent-State to file an additional affidavit stating therein the action taken for removal of the construction which was in violation of the CRZ norms including the details thereof.

However, on 23.10.2024, time was sought yet again by learned counsel for the respondent-State, which affidavit has not been filed till date.

Today, it is stated that on receipt of the orders from this Court on 25.09.2024 and with a view to file an additional affidavit as was otherwise directed, the Coastal Zone Management Authority [CZMA] was asked to have the entire land surveyed in the relevant area in Visakhapatnam with a view to identify the exact area for purposes of taking action for removing the violations.

Learned counsel for the CZMA, however, states that it had in turn approached the Tahasildar, Bheemunipatnam, for appointing an officer with a view to ensure survey of the area. It is then stated that the Tahasildar, Bheemunipatnam, informed the CZMA that the area in question did not fall within his jurisdiction and that it is the GVMC that would be authorized to

conduct such a survey. It is stated that in the month of December, 2024, the CZMA wrote a letter to the GVMC to conduct a survey. It is stated that it is the GVMC which has been lying low on the request of the CZMA.

From the conduct of the officers at the helm of affairs, it appears that there is an attempt to go slow in the matter and this can be said to be a clear case where the buck is being passed from one office to another.

It is high time that the officers in the CZMA woke up to remove the violations, which is their primary duty to perform, along with the officers of the GVMC.

Learned counsel for the petitioner in WP(PIL).No.206 of 2024 has also sought to highlight certain violations having been committed contrary to the coastal zone regulations at Bheemunipatnam where respondent Nos.15 to 18 namely M/s. Viragoo Restro Bar, Sea-horse Restro Bar, Teeram Beach resort and Sanctum Bar and Restaurant are stated to have been established and are being run in violation of the coastal zone regulations.

While learned counsel for the petitioners have also sought a detailed survey to be conducted right from Bheemunipatnam to RK Beach, however, this Court will look into that aspect later. Immediately we are only concerned with the violations which have been sought to be highlighted at Bheemunipatnam.

We, therefore, direct a committee to be constituted consisting of the Member Secretary of Andhra Pradesh State Coastal Zone Management Authority, the Commissioner of GVMC and the District Collector, Visakhapatnam District to have the area (highlighted in WP(PIL).No.53 of 2024) surveyed within one week by drawing a team of officers with impeccable integrity and the report be submitted to this Court. The report be also made available to the CZMA as also the GVMC for taking strict action for

removal of any encroachment if it is found on the spot and is otherwise in violation of the coastal zone regulations.

The needful be done positively within the time prescribed. In case this order is not complied and the report is not prepared and submitted as directed, the officers concerned constituting the committee as afore-stated shall appear through virtual mode on the next date of hearing.

List on 12.02.2025.

DHIRAJ SINGH THAKUR, CJ

RAVI CHEEMALAPATI, J

Vjl