

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

W.P(PIL) NOS: 53 OF 2024 & 206 OF 2024



W.P(PIL) NO: 53 OF 2024:

Between:

P.L.V.N.Murthy @ Murthy Yadav, S/o P. Sriramulu, Aged 46 years, R/o. D.No.9-5-53/2/1, Peethalavanipalem, Visakhapatnam - 533017 plvnmurthyadav@gmail.com Cell.No.9848067850

.....Petitioner

AND

1. Union of India, Rep. by its Secretary, Ministry of Environment, Forest and Climate Change, Paryavaran Bhavan, New Delhi.
2. State of Andhra Pradesh, Rep. by its Chief Secretary, 1st Floor, Interim Government Complex, A.P. Secretariat, Velagapudi, Guntur,
3. State of Andhra Pradesh, Rep. by its Principal Secretary, Municipal Administration Department, A.P. Secretariat, Velagapudi, Guntur,
4. Visakhapatnam Metropolitan Regional Development Authority (VMRDA), Rep. By its Metropolitan Commissioner, Siripuram Junction, Visakhapatnam.

5. Andhra Pradesh State Coastal Zone Management Authority, Rep. By its Chairman, C/o Ministry of Environment, Forest, Science and Technology, Secretariat Buildings, Thullur Mandal, Guntur District.
6. Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Rep by its commissioner.Tenneti Bahavan, Asilmetta, Visakhapatnam
7. The District Collector, Visakhapatnam District, Visakhapatnam.
8. The Thasildar, Bheemunipatnam Mandal, Visakhapatnam District.
9. Penaka Neha Reddy, W/o Penaka Rohit Reddy, R/o. Flat No.425, Road No.18, Jubilee Hills, Hyderabad, Telangana.
10. M/s Avyaan Realtors LLP, Office at Hour No 46 Siddartha Nagar Hyderabad5300038 Telangana State Rep by its Partner Penaka Neha Reddy W/o Penaka Rohit Reddy R/o Flat No 425 Road No 18 Jubilee Hills Hyderabad Telangana

Respondent No.9 was incorporated as per C.O.dt.23.08.2024 in WP(PIL) No.53 of 2024

Respondent No 10 impleaded as per c o dt 26 03 2025 vide I A No 1 of 2025 in W P PIL No 53 of 2024

.....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 or order or direction with more particularly in the nature of WRIT OF MANDAMUS declaring the inaction of the Respondent authorities in stopping illegal construction of permanent concrete structure within CRZ-1 area in Bheemunipatnam beach, situated in ward No.3 of Bheemunipatnam town Sy.Nos.1516, 1517, 1519 and 1523 of G.V.M.C limits, Visakhapatnam District, is illegal, arbitrary and unconstitutional and consequently direct the respondent authorities to remove the constructed structures and take necessary steps to restore natural habitat to its pristine glory, while initiating criminal action against the builders for ravaging sand dunes and CRZ area.

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 direct the Respondent authorities to stop all further construction activities on Bheemunipatnam beach, situated in ward No.3, Bheemunipatnam town, Sy.Nos.1516,1517,1519 & 1523 of G.V.M.C limits, Visakhapatnam District, Pending disposal of WP(PIL) 53 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 the order of the High Court order dated 23.08.2024, 18.09.2024, 05.02.2025, 05.03.2025 & 18.06.2025 made herein and upon hearing the arguments of Sri.Ponnada Sree Vyas, Advocate for the Petitioner and of Additional Solicitor General of India for Respondent No.1, GP for GAD for Respondent nos.2 & 5, GP for MA & UD for Respondent No.3, Sri.V.Surya Kiran Kumar, Standing Counsel for Respondent No.4, Sri A.S.C. Bose, Standing counsel for Responder.t No.6, GP for Revenue for Respondent Nos. 7 & 8 and Sri Ponnagulu Satya Reddy, learned counsel representing Sri P.Subash, learned counsel for respondent No.9;

WP.(PIL) No.206 OF 2024

Between:

GRAMAABHIVRUDDI SEVASANGAM, Register Number 524/99, Yeguvapeta, Bheemunipatanam, Represented by President Ganta Nooka Raju.

Petitioner/s

AND

1. The Union of India, represented by its Secretary, Ministry of Environment, Forest, and Climate Change, Paryavaran Bhavan, New delhi.

2. The State of Andhra Pradesh, represented by the Chief Secretary, Andhra Pradesh Secretariat, Amaravati.
3. The State of Andhra Pradesh, Rep by its Principal secretary Municipal Administration Department, A.P Secretariat, Velagapudi Guntur.
4. Andhra Pradesh Coastal Zone Management Authority (APCZMA), represented by its Member Secretary, Science and Technology Secretariat, Buildings Thullur Mandal Guntur District.
5. The Environmental Officer, Andhra Pradesh Pollution Control Board (APPCB), Visakhapatnam.
6. The District Collector, Visakhapatnam District, Visakhapatnam.
7. Visakhapatnam Metropolitan Regional Development Authority VMRDA, Rep by its Metropolitan Commissioner Siripuram Junction, Visakhapatnam.
8. The Greater Visakhapatnam Municipal Corporation (GVMC), represented by its Commissioner.
9. The Revenue Divisional officer (R.D.O), Bheemunipatnam, Visakhapatnam district.
10. The Thasidhar, Bheemunipatnam Mandal, Visakhapatnam district.
11. The Police commissioner of Visakhapatnam, visakhapatnam city .
12. C.M.D (Chairman & Managing director), APEPDCL Visakhapatnam district.
13. The Bheemunipatnam zone Municipal Corporation, represented by its Zonal Commissioner. Visakhapatnam district.
14. Assistant City Planner (ACP), Bheemunipatnam zone Municipal Corporation, Visakhapatnam district.
15. M/s Viragoo Restro Bar, Rep by the Proprietor, Smt Maddipati Sireesha, D/o. Soma Sundara Rao, Situated at Sy. No. 329/5A, Kapuluppada, Ward-4, Zone-1, Bheemli, Visakhapatnam. Smt. Maddipati Sireesha, D/o Soma Sundar Rao, Aged about 41 Years, R/o D.No.25-

85/84,B-D3, Gayatri Nagar, Road No.4, PM Palem, Vishakhapatnam-530004.

16. Sea-horse Restro bar., Now Running as B-Zag, Rep by the Proprietor, Polavarapu Rama Mani, W/o Anand, age 48 years, R/o D.No.2-21/143, Flat No.5/1, Sriram Panorama Hills, Law college road, Yendada, Visakhapatnam-530045. Amatapu Srikanth Manikanta Sai Kumar, S/o Kanaka Rao, age 27 years, R/o SL 15/4, Panorama Hills, Law college road, Yendada, Visakhapatnam-530045.
17. Teeram Beach resort., Rep by the Proprietor, SOS junction, Bheemunipatnam, pin-531163, Visakhapatnam.
18. Sanctum bar and restaurant (previously named as Bay watch resort), Rep by the Proprietor, opposite thotlakonda, NTR beach road, Mangamaripeta, kapuluppada, Andhra Pradesh, pin 530048. email- sanctumbay@ gmail.com

Respondent/s

Petition under Article 226 of the Constitution of India 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 writ of mandamus

1. direct the respondents to take immediate action against the illegal constructions and businesses like Sea-horse Restro bar. Now Running as B-Zag, Viragoo neo age pub, Teeram Beach resort and Sanctum bar and restaurant (previously named as Bay watch resort,) operating in the Bheemunipatnam CRZ zone.
2. Cancel licenses or permissions (if any) granted in violation of CRZ regulations.
3. Direct the Respondents to conduct a thorough investigation and Identify and demolish into all illegal constructions and unauthorized businesses in the Bheemunipatnam CRZ area and to pass such other order or

orders as this Honourable Court may deem fit just and proper in the circumstances of the case.

4. Direct the Respondents to prepare a detailed action plan for restoring the coastal ecosystem damaged by illegal activities;

IA NO: 1 OF 2024:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant an immediate stay on all activities (Pub, Bar, Restaurant) and business operations of Sea-horse Restro bar. Now Running as B-Zag, Viragoo neo age pub, Teeram Beach resort and Sanctum bar and restaurant (previously named as Bay watch resort) in the CRZ areas of Bheemunipatnam coastal zone, pending disposal of WP(PIL).No.206 of 2024, on the file of the High Court.

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 direct the corresponding Respondents to disconnect the electricity connection, water connection, sanitation and etc. at immediate enforce, pending disposal of WP(PIL).No.206 of 2024, on the file of the High Court.

IA NO: 3 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 direct the Respondents to fence off ecologically sensitive zones and prevent further encroachments, pending disposal of WP(PIL).No.206 of 2024, on the file of the High Court.

The Appeal coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the earlier order of the High Court dated 08.01.2025, 05.03.2025 & 18.06.2025 made herein and upon hearing the arguments of M/s. N JOY, Advocate for the Petitioners, learned GP FOR GAD for the Respondent No.2, learned GP FOR MUNICIPAL

ADMINISTRATION AND URBAN DEVELOPMENT for the Respondent Nos.3&4, Sri Y. SOMA RAJU, Standing Counsel for the Respondent No.5, learned GP FOR REVENUE for the Respondent Nos.6, 9&10, Sri A.S.C. BOSE, Standing Counsel for the Respondent No.8;

ORDER:

“Pursuant to our orders, dated 05.03.2025, the Committee has submitted a report, which is taken on record. Copies be provided to learned counsel for the respondents.

It is brought to our notice that an amount of Rs 48,21,786/-, which was required to be deposited with the Greater Visakhapatnam Municipal Corporation for purposes of removal of unauthorized structures from the area in question, has not been deposited.

The Agency engaged by the GVMC to remove the structures, which is stated to be 25 feet deep and approximately 900 meters long, has left the work in question on account of non-payment. It is stated that non-removal of the offensive structure on spot is causing environmental damage on a daily basis for which the Committee constituted has calculated the penalty on a daily basis at Rs. 1,20,000/- per day.

Be that as it may, while the private respondent Nos.9 and 10 in W.P.(PIL) No.53 of 2024 may respond to the report of the Committee, we direct the said respondents to deposit before the next date of hearing an amount of Rs.48,21,786/- with the GVMC with a view to enable them to ensure the removal of the offensive structures.

SD/- SK. MOHD RAFI
DEPUTY REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary, Union of India, Ministry of Environment, Forest and Climate Change, Paryavaran Bhavan, New Delhi.
2. The Chief Secretary, State of Andhra Pradesh, 1st Floor, Interim Government Complex, A.P. Secretariat, Velagapudi, Guntur,
3. The Principal Secretary, State of Andhra Pradesh, Municipal Administration Department, A.P. Secretariat, Velagapudi, Guntur,
4. The Metropolitan Commissioner, Visakhapatnam Metropolitan Regional Development Authority (VMRDA), Siripuram Junction, Visakhapatnam.
5. The Chairman, Andhra Pradesh State Coastal Zone Management Authority, C/o Ministry of Environment, Forest, Science and Technology, Secretariat Buildings, Thullur Mandal, Guntur District.
6. The commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Tenneti Bahavan, Asilmetta, Visakhapatnam
7. The District Collector, Visakhapatnam District, Visakhapatnam.
8. The Thasildar, Bheemunipatnam Mandal, Visakhapatnam District.
9. Penaka Neha Reddy, W/o Penaka Rohit Reddy, R/o. Flat No.425, Road No.18, Jubilee Hills, Hyderabad, Telangana.
10. M/s Avyaan Realtors LLP, Office at Hour No 46 Siddhartha Nagar Hyderabad 5300038 Telangana State Rep by its Partner Penaka Neha Reddy W/o Penaka Rohit Reddy R/o Flat No 425 Road No 18 Jubilee Hills Hyderabad Telangana
11. Andhra Pradesh Coastal Zone Management Authority (APCZMA), represented by its Member Secretary, Science and Technology Secretariat, Buildings Thullur Mandal Guntur District.
12. The Environmental Officer, Andhra Pradesh Pollution Control Board (APPCB), Visakhapatnam.

13. The Metropolitan Commissioner, Visakhapatnam Metropolitan Regional Development Authority VMRDA, Siripuram Junction, Visakhapatnam.
14. The Revenue Divisional officer (R.D.O), Bheemunipatnam, Visakhapatnam district.
15. The Police commissioner of Visakhapatnam, Visakhapatnam City .
16. C.M.D (Chairman & Managing director), APEPDCL Visakhapatnam District.
17. The Zonal Commissioner, The Bheemunipatnam zone Municipal Corporation, Visakhapatnam District.
18. Assistant, City Planner (ACP), Bheemunipatnam zone, Municipal Corporation, Visakhapatnam District.
19. The Proprietor, M/s Viragoo Restro Bar, Smt Maddipati Sireesha, D/o. Soma Sundara Rao, Situated at Sy. No. 329/5A, Kapuluppada, Ward-4, Zone-1, Bheemli, Visakhapatnam. Smt. Maddipati Sireesha, D/o Soma Sundar Rao, Aged about 41 Years, R/o D.No.25-85/84,B-D3, Gayatri Nagar, Road No.4, PM Palem, Vishakhapatnam-530004.
20. The Proprietor, Sea-horse Restro bar, Now Running as B-Zag, Polavarapu Rama Mani, W/o Anand, age 48 years, R/o D.No.2-21/143, Flat No.5/1, Sriram Panorama Hills, Law college road, Yendada, Visakhapatnam-530045. Amatapu Srikanth Manikanta Sai Kumar, S/o Kanaka Rao, age 27 years, R/o SL 15/4, Panorama Hills, Law college road, Yendada, Visakhapatnam-530045.
21. The Proprietor, Teeram Beach Resort SOS junction, Bheemunipatnam, pin-531163, Visakhapatnam.
22. The Proprietor, Sanctum bar and restaurant (previously named as Bay watch resort), opposite thotlakonda, NTR beach road, Mangamaripeta, kapuluppada, Andhra Pradesh, pin 530048. email-sanctumbay@ gmail.com

23. One CC to Sri N Ashwani Kumar, Advocate [OPUC]
24. One CC to Sri.Ponnada Sree Vyas, Advocate[OPUC]
25. One CC to Sri K.S.Murthy Associates [OPUC]
26. One CC to Sri Additional Solicitor General of India, High Court of AP
[OPUC]
27. Two CCs to GP for GAD, High Court of AP [OUT]
28. Two CCs to GP for MA & UD, High Court of AP [OUT]
29. One CC to Sri.V.Surya Kiran Kumar, Standing Counsel [OPUC]
30. Two CCs to GP for Revenue, High Court of AP [OUT]
31. One CC to Sri P.Subash, Standing Counsel [OPUC]
32. One CC to M/s. N JOY, Advocate [OPUC]
33. One CC to Sri Y. SOMA RAJU, Standing Counsel [OPUC]
34. One CC to Sri A.S.C. BOSE, Standing Counsel [OPUC]
35. One CC to Sri K.Sarva Bhouma Rao, Advocate [OPUC]
36. One CC to Sri K.Madhava Rao, Standing Counsel [OPUC]
37. Two spare copies.

HIGH COURT

HC,J

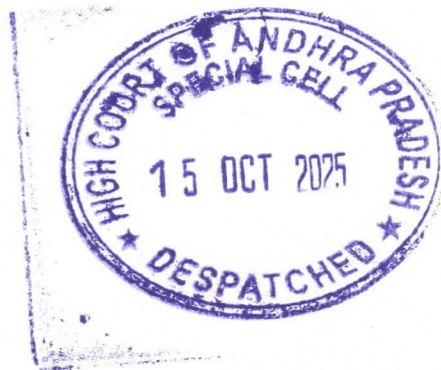
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RRR,J

DATED: 09/10/2025

LIST ON 16.10.2025

ORDER



W.P(PIL) NOS: 53 OF 2024 & 206 OF 2024

DIRECTION