

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

WEDNESDAY, THE FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE
AND

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

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

WP.(PIL) No.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.

Respondent No.9 was incorporated as per C.O.dt.23.08.2024 in WP(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 made herein and upon hearing the arguments of Sri K.S.Murthy, learned Senior Counsel appearing for Sri.Ponnada Sree Vyas, Advocate for the Petitioner and of Deputy 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.K.Madhava Reddy, Standing counsel for Respondent 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 1.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 deems 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 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 Directions to 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 Directions to 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 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, the Court made the following;

ORDER:

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.

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For

SD/- G.HELANAIDU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Ministry of Environment, Forest and Climate Change, Union of India, 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, Municipal Administration Department, State of Andhra Pradesh, 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.(2, 3 & 5 by Special Messenger)
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. The Member Secretary, Andhra Pradesh Coastal Zone Management Authority (APCZMA), Science and Technology Secretariat, Buildings Thullur Mandal Guntur District.
11. The Environmental Officer, Andhra Pradesh Pollution Control Board (APPCB), Visakhapatnam.
12. The District Collector, Visakhapatnam District, Visakhapatnam.
13. The Metropolitan Commissioner, Visakhapatnam Metropolitan Regional Development Authority VMRDA, Siripuram Junction, Visakhapatnam.
14. The Commissioner, Greater Visakhapatnam Municipal Corporation (GVMC).
15. The Revenue Divisional officer (R.D.O), Bheemunipatnam, Visakhapatnam district.
16. The Police commissioner of Visakhapatnam, visakhapatnam city .
17. C.M.D (Chairman & Managing director), APEPDCL Visakhapatnam district.
18. The Zonal Commissioner, Bheemunipatnam zone Municipal Corporation, Visakhapatnam district.
19. Assistant City Planner (ACP), Bheemunipatnam zone Municipal Corporation, Visakhapatnam district.
20. 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.
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23. 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 (Addressee Nos.1 to 24 by **RPAD**)
24. One CC to SRI. N JOY Advocate [OPUC]
25. One CC to SRI Y. SOMA RAJU, STANDING COUNSEL [OPUC]
26. One CC to Sri A.S.C. BOSE, STANDING COUNSEL [OPUC]
27. One CC to DEPUTY SOLICITOR GENERAL, High Court of AP [OPUC]
28. One CC to SRI.PONNADA SREE VYAS Advocate [OPUC]
29. One CC to SRI.V.SURYA KIRAN KUMAR, Standing Counsel [OPUC]
30. One CC to SRI.K.MADHAVA REDDY, Standing Counsel [OPUC]
31. Two CCs to GP FOR REVENUE, High Court of A.P.[OUT]
32. Two CCs to GP FOR GAD, High Court of A.P.[OUT]
33. Two CCs to GP FOR MA & UD, High Court of A.P.[OUT]
34. One CC to M/s S.Pranathi, Special GP [OPUC]
35. One CC to Sri P.Subash, Standing Counsel [OPUC]
36. One CC to Sri Yelisetti Somaraju, Standing Counsel [OPUC]
37. Two spare copies.

HIGH COURT

HC,J

&

RC,J

DATED: 05/02/2025

LIST ON 12.02.2025

ORDER

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

WP.(PIL) No.206 OF 2024

DIRECTION

