

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

P. L. V. N. Murthy @ Murthy Yadav

...Petitioner

Vs.

Union of India and others

...Respondents

Advocate for petitioner : Sri K. S. Murthy, learned Senior Counsel appearing for Sri Ponnada Sree Vyas.

Advocate for respondents : Smt S. Pranathi, learned Special Government Pleader appearing for the State,
Sri Shaik Mohammed Ismail.

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

By virtue of our previous orders followed by the last order dated 05.02.2025, we had directed the constitution of a Committee with a view to survey the Bheemunipatnam Beach and submit a report with a view to identify the violations and based upon the report, to enable the Greater Visakhapatnam Municipal Corporation (G.V.M.C.) and the Andhra Pradesh State Coastal Zone Management Authority to take appropriate action.

Report has now been submitted by the team which was constituted pursuant to our orders dated 05.02.2025. It has been reported that the violations which were identified have since been removed from the spot.

Photographs have been placed on record, which would, however, show that while the structures above the ground have been demolished, that part of

the wall, which was constructed illegally and without any permission and contrary to the Coastal Zone Regulations below the surface, still continues to exist.

Learned counsel for the petitioner – Sri K. S. Murthy stated that an attempt appears to have been made to cover with sand that part of the wall which the G.V.M.C. did not remove and is stated to be below the surface level.

We are unable to understand as to how the report which was submitted by the Committee before us did not identify or bring to our notice this particular fact that it is only that part of the wall which was above the surface that had been removed. An impression was sought to be given to us that the entire violation committed by private respondent No.9 had been removed, which actually does not appear to be so on the spot.

Smt S. Pranathi, learned Special Government Pleader, states that the concrete structure which exists from the surface level and below is so hard that it may require some extra effort to remove the same.

Mr. K. S. Murthy also suggested that the removal of the structure below the surface perhaps requires some specialized methods which may be time consuming.

Be that as it may, in our opinion, the degree of difficulty in removing the structure which existed below the surface would not be a justification enough for the Committee not to report the existence of such a structure. As to whether the structure below the surface can at all be permitted to exist is nobody's guess, as any concrete structure which otherwise disturbs the ecology of that particular area or other which is a protected area/eco sensitive area has to be removed and the natural eco system necessarily is required to be restored.

We do not appreciate the action of the official respondents and especially the members of the Committee which also included an Environmental Engineer in not bringing to our notice in the report that there

was still in existence a part of a concrete structure which extended over 588 meters and went up to a depth of six feet.

The extent of environmental damage that has been caused to the environment on account of such an illegal activity conducted by private respondent No.9 needs to be assessed properly for which appropriate damages also then need to be slapped on the said private respondent No.9 and others found involved.

With a view to assess the extent of damage caused and the damages which are required to be recovered from the violator/violators, we direct the constitution of a team which should consist of a Senior Scientist from the National Institute of Oceanography, Visakhapatnam and officers to be selected and appointed by the Ministry of Environment and Forest having expertise in the subject who will visit the spot and assess the extent of damage so caused. Needless to say that the damages shall be borne by the private respondent No.9.

Not only this, violation of the Coastal Zone Regulations, as have been undoubtedly established in the present case, calls for initiation of criminal prosecution in terms of the provisions of the Environment (Protection) Act, 1986 (for short, "the Act of 1986") and other enabling provisions.

Learned counsel for the petitioner – Mr. K. S. Murthy has drawn our attention to Section 19 of the Act of 1986, which envisages that the Court can take cognizance of an offence under the said Act only on the basis of a complaint filed by an officer who is otherwise authorized by the Central Government in that regard.

We had requested the learned Additional Solicitor General – Sri Challa Dhanamjaya to specify as to who is the officer authorized by the Central Government to file a complaint.

We are informed that the Ministry of Environment, Forest and Climate Change has issued a Notification dated 30.09.2022 appointing the State

Coastal Zone Management Authorities and Union Territory Coastal Zone Management Authorities within their respective territorial jurisdiction as authorities who can file such complaints.

We, accordingly, direct that a complaint be registered by the said authorized person in the light of the violations committed. We also further direct the G.V.M.C. that the entire expenses which have been incurred or shall be incurred on the demolition of the structures raised illegally by private respondent No.9 shall be recovered from the said respondent.

In W.P(PIL).No.206 of 2024 also, learned counsel for the petitioner has sought to highlight the violation of the Coastal Zone Regulations.

It is stated that in the adjoining area where the violations had been highlighted in W.P(PIL).No.53 of 2024, there are four restaurants/restobars etc., which have come up in gross violation of the Coastal Zone Regulations without obtaining any permission whatsoever from any authority.

We, therefore, direct the Committee already constituted to survey the adjoining area where the said structures are stated to be located and to submit a report to this Court in detail as to whether the said structures are in violation of the Regulations or not.

The concerned parties may also be given an opportunity to associate with the team which visits the spot.

List the matters on 26.03.2025.

DHIRAJ SINGH THAKUR, CJ

RAVI CHEEMALAPATI, J

AMD