

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(Special Original Jurisdiction)
MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY



:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI
AND
THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 8221 OF 2020

Between:

1. Chodipilli Sathish S/o Satyanarayana, Occ Fisherman, R/o D.No 16-16-13, Sri Ram Center Dummulapeta, Kakinada Urban, East Godavari District
2. Thummala Ramesh, S/o Kondal Rao, Occ Fisherman R/o D.No 17-2-144, Kondal Rao Street, Kakinada Urban, East Godavari District
3. Eripilli Abbai S/o Pentaiah, Occ Fisherman, R/o D.No 16-16-12, Poul Church Veedhi, Dummulapeta, Kakinada Urban, East Godavari District, Andhra Pradesh
4. Gampala Veerraju S/o Rajaiah, R/o D.No 17-1-39, Rajaji Veedhi, Kakinada Urban, East Godavari District, Andhra Pradesh

Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Secretariat, Amaravati, Guntur District.
2. The Union of India, Rep., by its Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi 110003
3. The Andhra Pradesh Coastal Zone Management Authority, Rep. by its member Secretary, having its office at D.No: 33-26-14, D/2, Near Sunshine Hospital, Kasturibai Peta, Vijayawada.
4. The Environmental Engineer, Andhra Pradesh Pollution Control Board, Having its regional office at H.No: 2-532, Santhi Nagar, Ramanayyapeta, Kakinada
5. The District Collector, East Godavari District, At Kakinada.
6. The District Revenue Officer, East Godavari District, At Kakinada, East Godavari District.
7. The District Forest Officer, Kakinada Division, Kakinada, East Godavari District
8. The Joint Director of Fisheries, Kakinada, East Godavari District
9. Kakinada Municipal Corporation, Rep by its Commissioner, Kakinada, East Godavari District
10. The Superintendent of police, East Godavari District, At Kakinada, East Godavari District
11. The Inspector of police, Kakinada port police station, Kakinada, East Godavari District

Respondents

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 an appropriate Writ. Order or Direction more particularly one in the nature of Writ of Mandamus declaring the high handed action of the Respondents in deforesting the Mangrove Forests and filling the same with mud for which a tender notification Vide Roc No. 2259/2020-E2 dated 08.04.2020 was notified for filling of land with mud in Sy. Nos. 374, 376, 376, 387, 1985/3, 1990 & 2004 of Dummulapeta, Kakinada Urban Mandal, East Godavari District for providing house sites (under Navaratnalu Scheme) in contrary to the guidelines issued for containment of COVID-19 Epidemic, Contrary to Rule 4 of Andhra Pradesh Municipalities Tender Rules, 1967, Contrary to Coastal regulation Zone Notification, 2011 even without considering the Petitioners Representation dated 16-03-2020 as illegal, arbitrary, Violation of principles of natural justice, Violation of Articles 14 & 21 of The Constitution of India, and consequently direct the Respondents not to deforest the Mangrove Forest in Sy. Nos. 374, 376, 387, 1985/3, 1990 & 2004 of Dummulapeta, Kakinada Urban Mandal, East Godavari District.

IA NO: 1 OF 2020

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 direct the Respondents to stall all the activities including Deforestation of Mangroves and filling up the same with mud in Sy Nos.374,376,387, 1985/3,1990 & 2004 of Dummulapeta, Kakinada Urban Mandal, East Godavari District, pending disposal of WP No. 8221 of 2020, 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 order of the High Court dated 23.04.2020 & 27-04-2020 made herein and upon hearing the arguments of T VISHNU TEJA Advocate for the Petitioners and of Sri C. Sumon, Govt. Pleader for the respondents 1,6,7,8,10 and 11, the Court made the following.

ORDER

Counter-affidavit is filed only on behalf of respondent No.5, Sri C. Sumon, learned Government Pleader, prays for time to file an adoption memo on behalf of respondents 1,6,7,8,10 and 11.

Needful be done within three days.

Counter-affidavit of respondent No.9 is also on record.

Sri Suresh Kumar Routhu, learned counsel, appears on behalf of Union of India. His name be reflected in the cause title. He is at liberty to seek instructions in the matter.

List in the next week.

In the meantime, petitioners are at liberty to file rejoinder, if any, to the counters filed by respondents 5 and 9.

Interim order passed earlier shall remain in operation till the next date of listing.

**Sd/- K. JAGAN MOHAN
DEPUTY REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To

1. One CC to Sri T. Vishnu Teja, Advocate [OPUC]
2. Two CCs to the Advocate General, High Court of A.P. [OUT]
3. Two CCs to GP for Revenue, High Court of A.P. [OUT]
4. Two CCs to GP for Home, High Court of A.P. [OUT]
5. Two CCs to GP for Forest, High Court of A.P. [OUT]
6. Two CCs to GP for Pollution Control Board, High Court of A.P. [OUT]
7. One spare copy

Tvr

HIGH COURT

HCJ & LKJ

DATED: 04.05.2020

ORDER

WP.No.8221 of 2020

Status Quo Extended

- 7 MAY 2020