



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF NOVEMBER TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI

THE HONOURABLE SRI JUSTICE RAKESH KUMAR

AND

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

I.A.NO.4 OF 2020 IN W.P.No.13203 OF 2020

I.A.No.1 OF 2020 IN W.P.No. 14282 OF 2020

WRIT PETITION Nos.13203 OF 2020

Between:

1. Rajadhani Rythu Parirakshnana Samithi, A society registered under the Societies Act Bearing Registration No.283 of 2016, having its office at H.No.11-94, Tullur, Amaravati, Andhra Pradesh, Rep. by its Secretary, Sri Dhanekula Rama Rao.
2. Pathan Ahammad Khan, S/o P. Galab Khan, aged about 48 years, Occ:Agriculture, 6-29/1, S C Colony, Thullur (Mandal), Rayapudi, Guntur, Andhra Pradesh.
3. Ponnekanti Chitti Babu, S/o Venkatesh, aged about 53 years, Occ:Agriculture, 12-11-1, Thullur, Guntur, Andhra Pradesh.
4. Peddineni Lakshmaiah, S/o Ramarao, age about 46 years, Occ:Agriculture, 1-14, Tank Bandi Area, Thullur, Ainavolu, Guntur, Andhra Pradesh.
5. Koyyagura Ravi Babu, S/o Peraiah, aged about 47 years, Occ:Agriculture, 2-103, Nelapadu, Thullur, Guntur, Andhra Pradesh.
6. Indurthi Naga Malleswara Rao, S/o Chandraiah, aged about 52 years, Occ:Agriculture, 2-32, Nelapadu, Thullur, Guntur, Andhra Pradesh.
7. Nuthaki Chandra Sekhar, S/o Ranga Rao, aged about 53 years, Occ:Agriculture, 1-83, Nuthaki Street, Mandadam, Guntur, Andhra Pradesh.

Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Chief Secretary, Building-I, 1st floor, Secretariat, Velagapudi, Amaravati, A.P.
2. Andhra Pradesh Capital Region Development Authority, Karl Marx Road, Lenin Centre, Arandalpet, Governorpeta, Vijayawada.
3. The Union of India, Through the Ministry of Housing and Urban Affairs, North Block, New Delhi India- 110001.

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 appropriate writ or order or direction more particularly a writ in the a writ of Mandamus

a. Declaring that the State of Andhra Pradesh has no legislative competence-TO- change the Capital of the State or to denude Amaravati from being the seat of the 3 civic wings of the State including the Legislature, Executive and the Judiciary,

b. Declaring that the Andhra Pradesh Capital Region Development Authority Repeal Act, 2020 is ultra vires Articles 3, 4, 14, 19, 21, 197, 174 Parts IX and IXA, 300-A of the Constitution of India r/w Sections 5 31(2) and 94 of the A.P. State Reorganization Act, 2014 and consequently declare it to be null and void,

c. Declaring that the Andhra Pradesh Decentralization and Inclusive Development of All Regions Act, 2020 is ultra vires Articles 3, 4, 14, 19, 21, 197, 174, Parts IX and IXA, 300-A of the Constitution of India r/w 5, 31(2) and 94 of the A.P. State Reorganization Act, 2014 and consequently declare it to be null and void.

d. Declaring that the report of the High-Powered Committee, dated 17.01.2020 as being bad in law and ultra vires of Articles 14 and 21 of the Constitution of India.

e. Directing the Respondents to forthwith forbear from acting pursuant to or in furtherance of the report of the High-Powered Committee, dated 17.01.2020,

f. Directing the Respondents to forthwith forbear from shifting any of the offices of the 3 civic wings of the State including but not limited to the Raj Bhavan, Chief Ministers Camp Office, offices of the Secretariat, Heads of Departments of the Government, Police Department, State Corporations, State Government Offices and Officers, from their current locations in and around Amaravati and from trifurcating the Capital for a period of 30 years or such time as this Honble Court deems fit and proper in the circumstances of the case; and

g. Directing the Respondents to implement the Master Plan as notified on 23.06.2016 under Section 39 of the Andhra Pradesh Capital Region Development Authority Act, 2014 including by constructing the necessary buildings and housing the offices of the 3 civic wings of the State Government including the Executive, Judiciary and Legislature in Amaravati.

IA NO: 4 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents not to take any steps whatsoever towards the shifting any of the offices of the State Government and Judiciary, including but not limited to the Raj Bhavan, Chief Ministers Camp Office, offices of the Secretariat, Heads of Departments of the Government, Police Department, State Corporations, State Government Offices, from their current locations in and around Amaravathi, pending disposal of Writ Petition 13203 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 04-08-2020, 27.08.2020, 21.09.2020 & 06.10.2020 made herein and upon hearing the arguments of Sri Shyam Divan, learned Senior Counsel for Sri Sai Sanjay Suraneni Advocate for the Petitioners, Advocate General for the Respondent Nos.1 & 2 and of Sri.N.Harinath, Assistant Solicitor General for Respondent No.3.

WRIT PETITION NO: 14282 OF 2020

Between:

1. Amaravati Rajadhani Sameekarana Raithu Samakya, A society registered under the A.P. Societies Registration Act, 2001, Represented by its Vice President, Panakala Reddy Kallam
2. Adineedi Suresh, S/o. Sambasiva Rao, Aged about 29 years, R/o H.No.6-33, Mandadam, Guntur, Andhra Pradesh.
3. Karumanchi Mariyamma, S/o. Yedukondalu, Aged about 39 years, 8-54-1, Tallayapalem, Mandadam, Guntur, Andhra Pradesh.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Chief Secretary, Building-I, 1st floor, Secretariat, Velagapudi, Amaravati, A.P.
2. Amaravati Metropolitan Region Development Authority, Karl Marx Road, Lenin Centre, Arandalpet, Governorpeta, Vijayawada.
3. The Union of India, Through the Ministry of Housing and Urban Affairs, North Block, New Delhi- 110001.

...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 order or direction in the nature of a writ of mandamus or any other writ declaring the action of the State of Andhra Pradesh in enacting the Andhra Pradesh Decentralisation and Inclusive Development of All Regions Act, 2020 (Act No.28 of 2020) published in Andhra Pradesh Gazette Extraordinary (Part IV-B), dated 31-07-2020, and thereby invalidating/diluting the rights accrued to the Petitioners as being arbitrary, illegal and violative of Articles 3, 4, 14, 19, 21, 197, Part IX and IXA and 300-A of the Constitution of India as well as violative of A.P. State Reorganization Act, 2014 and consequently set aside the same,

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to forthwith forbear from shifting any of the offices of the Legislature, Executive and Judiciary, including but not limited to the Raj Bhavan, Chief Ministers Camp Office, offices of the Secretariat, Heads of Departments of the Government, Police Department, State Corporations, State Government Offices, from their current locations in and around Amaravati, pending disposal of W.P.No.14282 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 the order of the High Court, dated 27.08.2020, 21.09.2020 & 06.10.2020 made herein upon hearing the arguments of Sri Yelamanchili Shiva Santosh Kumar, Advocate for the Petitioner, Sri Rakesh Dwivedi, learned senior counsel / Advocate General to the Respondents / for the State for Respondent No.1, Sri Kasa Jagan Mohan Reddy, learned Standing Counsel for CRDA for Respondent No.2 and of Sri N.Harinath, learned Assistant Solicitor General for Respondent No.3.

ORDER:

I.A.No.4 of 2020 IN W.P.No.13203 of 2020 is filed seeking the following relief:

“To direct the respondents not to take any steps whatsoever towards the shifting any of the offices of the State Government and the Judiciary, including but not limited to the Raj Bhavan, Chief Ministers Camp Office, offices of the Secretariat, Heads of Departments of the Government, Police Department, State Corporations, State Government Offices, from their current locations in and around Amaravati.”

I.A.No.1 of 2020 IN W.P.No.14282 of 2020 is filed seeking the following relief:

“Direct the Respondents to forthwith forbear from shifting any of the offices of the Legislature, Executive and Judiciary, including but not limited to the Raj Bhavan, Chief Ministers Camp Office, offices of the Secretariat, Heads of Departments of the Government, Police Department, State Corporations, State Government Offices, from their current locations in and around Amaravati”

* * *

COMMON ORDER:

An interim order was passed by the Full Bench of this Court in W.P.Nos.13203, 13204, 13205 and 13206 of 2020 dated 04.08.2020, directing the State Government to maintain *status quo* of the subject matter, as on date. Regarding shifting of Chief Minister’s Camp office, the Court did not deal with the same.

However, the main contention of the petitioner is that, Section 8 of Andhra Pradesh Capital Region Development Authority Act, 2014, deals with incidental proceedings.

As per Paragraph 6.1 of the Report of Expert Committee formed for Comprehensive Development Strategy for the entire State including Capital of Andhra Pradesh, the Executive Capital is inclusive of Secretariat and Chief Minister’s residence. If, the Secretariat is shifted, the Chief Minister’s residence should also be shifted to the place where secretariat is located. There is a difference between Chief Minister’s residence and Chief Minister’s camp office.

Sri Sai Sanjay Suraneni, learned counsel for the petitioner, fairly conceded that his prayer is limited regarding not to shift Chief Minister’s official residence to any other place, as long as Executive Capital is not shifted and so far as Chief Minister’s camp office is concerned, Chief Minister can stay at any place, when he is on camp outside the Executive Capital.

Learned Advocate General for the State filed counter affidavit, contending that Chief Minister can construct as many camp offices as requested for his comfortable stay, whenever he visits any place in the State and the Court cannot impose such restriction.

However, this Court is not required to adjudicate the power of the Government to construct Chief Minister's camp office(s) at different places other than the Executive Capital at this stage, since, interim order was passed by the Full Bench of this Court in W.P.Nos.13203, 13204, 13205 and 13206 of 2020 dated 04.08.2020, directing the State Government to maintain *status quo* on the subject matter. As on date, there is no proposal for construction of separate Chief Minister's camp office at different place i.e at any place, except official residence other than the proposed Executive Capital. Therefore, whenever such issue arises, the parties concerned may file appropriate application for consideration of the matter and for the present, we are not deciding the issue relating to shifting/location of Chief Minister's official residence, which is a part and parcel of Executive Capital, as per Paragraph 6.1 of the Report of Expert Committee formed for Comprehensive Development Strategy for the entire State including Capital of Andhra Pradesh.

Hence, it is left open to the petitioner to approach this Court as and when there is a proposal for construction of camp office at places other than the place where the Executive Capital is located.

In the same interlocutory application, the petitioner also claimed a direction not to shift any of the offices of the Corporations.

As on date, all corporation offices are situated outside Amaravati region. However, learned Advocate General for the State reported no objection for the request made by the learned counsel for the petitioner. Therefore, no adjudication is necessary on the issue of shifting of corporations, as they are already located in different buildings outside the areas of Amaravati region.

In view of our foregoing discussion, Interlocutory Applications are closed for the present.

Sd/-K. TATARAO
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To,

1. The Chief Secretary, State of Andhra Pradesh, Building-I, 1st floor, Secretariat, Velagapudi, Amaravati, A.P.
2. The Commissioner, Amaravati Metropolitan Region Development Authority, Karl Marx Road, Lenin Centre, Arandalpet, Governorpeta, Vijayawada.
3. The Secretary, Ministry of Housing and Urban Affairs, Union of India, North Block, New Delhi- 110001. (1 to 3 by RPAD)
4. One CC to SRI.N.HARINATH, ASSISTANT SOLICITOR GENERAL (OPUC)
5. One CC to Sri Sri Yelamanchili Shiva Santosh Kumar, Advocate Advocate (OPUC)
6. One CC to Sri Sri Sai Sanjay Suraneni, Advocate Advocate (OPUC)
7. One CC to Sri.Kasa Jagan Mohan, Standing Counsel (OPUC)
8. Two CCS to The Advocate General, High Court of A.P.(OUT)
9. Three Spare Copies.

SRL

HIGH COURT

HCJ, RKJ & MSMJ

DATED:02/11/2020

ORDER

I.A.NO.4 OF 2020 IN W.P.No.13203 OF 2020

I.A.No.1 OF 2020 IN W.P.No. 14282 OF 2020

I.A.s ARE CLOSED

