

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

SATURDAY, THE TWENTY FOURTH DAY OF OCTOBER, TWO THOUSAND AND TWENTY

: PRESENT :

THE HONOURABLE SRI JUSTICE K. SURESH REDDY

W.P.No. 24448 of 2020



Between :-

Gandhi Institute of Technology and Management (GITAM), (Deemed to be University Under Section 3 of the UGC Act), Gandhinagar Campus, Rushikonda, Visakhapatnam-530045, Andhra Pradesh, Rep. by its Secretary.

..Petitioner.

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, at Velagapudi, Amaravathi.
2. The District Collector, Visakhapatnam District, Andhra Pradesh.
3. The Revenue Divisional Officer, Visakhapatnam Rural, Visakhapatnam District.
4. The Commissioner of Police, Visakhapatnam, Visakhapatnam District.
5. The Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Andhra Pradesh, rep. by its Commissioner.

..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 a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents and their men in demolishing the properties of the petitioner as its Visakhapatnam Campus, situated at Rushikonda and Yendada Village limits, Visakhapatnam Rural Mandal, Visakhapatnam District and further seeking to demolish other structures without following due process of law and change the nature of the property, as arbitrary, illegal, unjust, highhanded, colourable exercise of power, discriminatory, for extraneous considerations, violative of principles of natural justice, violative of the Fundamental Rights guaranteed under Articles 14 and 19 and the Constitutional Right guaranteed under Articles 14 and 19 and the Constitutional Right guaranteed under Article 300-A of Constitution of India and consequently direct the respondents, their men, representatives, agents, or any person claim through them, not to demolish or interfere with the usage of the entire compound of its campus situated at Rushikonda and Yendada Villages of Visakhapatnam Rural Mandal, Visakhapatnam District by the petitioner as it was doing till 23.10.2020 .

I.A.No. 1 of 2020 :-

Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to direct the respondents, their men, representatives, agents or any person claiming through them, not to demolish the structures, interfere with the usage of the entire compound by the petitioner as was being done till 23.10.2020 (status-quo ante), situated in Rushikonda and Yendada Villages, Visakhapatnam District by protecting and safeguarding the entire premises, allow the petitioner to continue to do its activities, pending disposal of W.P.No. 24448 of 2020 on the file of High Court

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri C.V.R. Rudra Prasad, Advocate for petitioner and of the Addl. Advocate General on behalf of respondent Nos. 1 to 4, the Court made the following

The Court made the following ORDER :-

(Dictated at 7.30 p.m.)

“This Writ Petition is filed by way of ‘House Motion’ questioning the action of respondents 1 to 4 in taking up the action of demolition of the buildings belonging to the petitioner.

Contd..2..

Notice is given to the learned Government Pleader on behalf of the respondents 1 to 4.

It is represented by the learned counsel for the petitioner that demolition has already been done to some extent and he filed photographs showing the demolition of part of the compound wall.

Learned Additional Advocate General appeared on behalf of respondents 1 to 4 and he requests time till 25.10.2020 to come up with instructions from the respondents.

Acceding his request, the matter is posted to 25.10.2020 at 2.00 p.m.

Till 26.10.2020 the respondents 1 to 4 shall not further demolish the buildings belonging to the petitioner-Gandhi Institute of Technology and Management(GITAM)"

Sd/- M. RAMESH BABU,
ASSISTANT REGISTRAR

//TRUE COPY//

M.V.S. Mani
for ASSISTANT REGISTRAR

To

- 1.The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, at Velagapudi, Amaravathi.
- 2.The District Collector, Visakhapatnam District, Andhra Pradesh.
- 3.The Revenue Divisional Officer, Visakhapatnam Rural, Visakhapatnam District.
- 4.The Commissioner of Police, Visakhapatnam, Visakhapatnam District.
- 5.The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam, Andhra Pradesh.

(Addressee Nos. 1 to 5 by RPAD along with a copy of Petition & Affidavit)

- 6.Two CCs to the Addl. Advocate General, High Court of A.P., at Amaravati(OUT)
- 7.Two CCs to the G.P. for Revenue, High Court of A.P., at Amaravati(OUT)
- 8.Two CCs to the G.P. for Home, High Court of A.P., at Amaravati(OUT)
- 9.One CC to Sri C.V.R. Rudra Prasad, Advocate(OPUC)
- 10.One spare copy.

TKK

HIGH COURT

KSR.J

DT.24-10-2020.



NOTICE BEFORE ADMISSION

W.P.No. 24448 of 2020.

DIRECTION