

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)
SUNDAY, THE TWENTY FIFTH 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 order of High Court dt. 24-10-2020 made herein 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

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ORDER :-

"Heard learned counsel for the petitioner and the learned Additional Advocate General, representing on behalf of respondents.

Learned counsel for petitioner requests ten (10) days time for filing additional affidavit along with the additional material papers. Accordingly, he is granted ten (10) days time for filing additional affidavit along with additional material papers. He is also directed to furnish a set of papers to the office of the learned Additional Advocate General.

Learned Additional Advocate General requests four (4) weeks time thereafter enabling him to file counter affidavit along with supporting documents.

At their request, post on 30.11.2020.

Till such time, the respondents are directed not to further demolish any of the buildings belonging to the petitioner. The petitioner also is directed not to make any further constructions till such time."

Sd/- R. KARTHIKEYAN,
ASSISTANT REGISTRAR

//TRUE COPY//

S. Srinivas Prasad
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.

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