

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF SEPTEMBER,
TWO THOUSAND AND FOURTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO: 15071 of 2010

Between:

Gangavaram Traditional Fisherman Welfare Association,
Visakhapatnam, Regn. No. 1547/2006 Gangavaram Post,
Pedagantayada Mandal, Visakhapatnam District, Rep by its
President Perla Venkata Swamy

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Petitioner

AND

1. State of AP., rep. by its Special Secretary, Infrastructure and Investment Department, Secretariat Buildings, Hyderabad.
2. District Collector, Visakhapatnam, Visakhapatnam District.
3. Director & Commissioner of Fisheries, Govt. of A.P. Hyderabad.
4. Assistant Director of Fisheries, Fishing Harbour, Visakhapatnam, Visakhapatnam District.
5. State of A.P., Rep by its Chief Secretary to Government, Secretariat Buildings, Hyderabad.
6. Special Officer, Gangavaram Port Limited, R & R Visakhapatnam O/o. Collector's Compound, Visakhapatnam District.
7. Gangavaram Port Limited, Rep by its Authorized Signatory Mohd. Abdul Ali, R/o. Plot No. 62, Road No. 1, Jubilee Hills Road, Hyderabad.
8. Gangavaram Port Services (India) Private Ltd. Rep by its Authorized Signatory Md. Abdul Ali, O/o. Gangavaram Port Buildings, BC Road, Pedagantyada Mandal, Visakhapatnam District.

.....Respondent(s)

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ order or direction in the nature of Mandamus or otherwise declaring the action of the respondents in constructing the wall adjacent to Gangavaram Port, thereby restraining the Members of the petitioner Society and other Fishermen from entering into the sea through Nallamarammapathalu sea shore, and similarly declare the action of the official respondents in allowing the Respondents No. 6, 7 and 8 in constructing the wall adjacent to Gangavaram Port, thereby restraining the Members of the petitioner Society and other Fishermen from entering into the sea through Nallamarammapathalu sea shore, as arbitrary, illegal and malafide, violating Articles 14, 19 (1) (g) and 21 of the constitution of India and issue consequential directions, directing the respondents to forthwith allow the Members of the petitioner society and other to enter into the sea through Nallamarammapathalu sea shore, in removing the wall constructed

by the Respondents No. 6, 7 and 8 and further direct the respondents to provide appropriate land for keeping the boats of the Members of the petitioner Society and others adjacent to the Nallamarampathalu sea shore in providing livelihood and protecting the Fundamental Rights of the Members of the petitioner Society under Article 19 (1) (g) and 21 of the constitution of India.

(Contd.

2.)

. 2 .

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Sri P. V. Krishnaiah, Advocate for the Petitioner, and the Govt. Pleader for Revenue for the Respondent Nos. 1 & 2 (being not present) and the Govt. Pleader for Fisheries for the Respondent Nos. 3 & 4 (being not present) and the Govt. Pleader for GAD for the Respondent No. 5 (being not present) and Sri Y.V. Ravi Prasad, Advocate for the Respondent Nos. 6 to 8, the Court made the following

ORDER:

“This Writ Petition was filed by the Gangavaram Traditional Fisherman Welfare Association challenging the construction of a wall adjacent to Gangavaram Port, thereby restraining the members of the petitioner society and other fishermen from entering into the sea through Nallamarampathalu sea shore.

A counter affidavit is filed stating that the Government decided to construct a break wall (jetty) at Yarada sea shore which is 10 kms distance from Gangavaram Village. Accordingly the boats parked at Dibbapalem were shifted to the Yarada sea shore, and the construction of the jetty was stopped by the Visakhapatnam Port Trust on territorial aspect under Section 46(2) of the Major Ports Act. The Government had taken steps for selection of another alternate site for construction of jetty/break wall, and the selection of the area is under process. The Nallamarampathalu area is located in Dibbapalem sea shore and part and parcel of the Port area, which was handed over to the Gangavaram Port Limited for establishment of the Port. In those circumstances, the Government constituted an expert technical committee for verification of the feasibility of

construction of road/pathway for the convenience of fishermen to go to Yarada Fish Landing Centre, and the committee opined that it was not possible to construct a road/pathway as the tides and hill slopes are not convenient and hazardous.

This Court in W.P.No.25257 of 2006, while disposing of the said Writ Petition on 11.04.2008, noted that the process of rehabilitation and resettlement is not completed.

The position reflected in the counter affidavit is of the year 2011. This Court wants to know whether any subsequent developments took place with regard to the formation of the jetty at a particular place in order to enable the petitioner to do their fishing activity.

No Government Pleader represented the official respondents, except the learned Senior Counsel Sri Y.V.Ravi Prasad for respondent Nos.7 and 8.

(Contd. 3.)

. 3 .

In the circumstances, the second respondent is directed to file an affidavit with regard to the latest developments that took place with regard to the grievance of the petitioner in the Writ Petition, more so in the light of the averments made by the Special Officer (R&R), Gangavaram Port, Visakhapatnam, in his counter affidavit dated 22.09.2011.

Post on 22.09.2014.”

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ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Special Secretary, Infrastructure and Investment Department, Govt. of A.P., Secretariat Buildings, Hyderabad.
2. The District Collector, Visakhapatnam, Visakhapatnam District.
3. The Director & Commissioner of Fisheries, Govt. of A.P. Hyderabad.
4. The Assistant Director of Fisheries, Fishing Harbour, Visakhapatnam, Visakhapatnam District.
5. The Chief Secretary to Government, Secretariat Buildings,

Hyderabad.

6. The Special Officer, Gangavaram Port Limited, R & R
Visakhapatnam O/o. Collector's Compound, Visakhapatnam
District.
7. Mohd. Abdul Ali, Authorized Signatory, Gangavaram Port
Limited, R/o. Plot No. 62, Road No. 1, Jubilee Hills Road,
Hyderabad.
8. Md. Adbul Ali Authorized Signatory, Gangavaram Port
Services (India) Private Ltd. O/o. Gangavaram Port Buildings,
BC Road, Pedagantyada Mandal, Visakhapatnam District.
9. Two CCs to the Govt. Pleader for Revenue High Court at
Hyderabad.(OUT)
10. Two CCs to the Govt. Pleader for Fisheries, High Court at
Hyderabad.(OUT)
11. Two CCs to the Govt. Pleader for GAD, High Court at Hyderabad.
(OUT)
12. One CC to Sri P. V. Krishnaiah, Advocate (OPUC)
13. One CC to Sri Y. V. Ravi Prasad, Advocate (OPUC)
14. One spare copy

BV

HIGH COURT

ARLR.J

DATED: 02-09-2014

NOTE:

POST ON 22-09-2014

ORDER

W.P. NO. 15071 OF 2010

DIRECTION

DRAFTED: BY BV

DATED :04-09-2014

HIGH COURT

ARLR.J

DATED: 02-09-2014

NOTE:

POST ON 22-09-2014

ORDER

W.P. NO. 15071 OF 2010

DIRECTION