

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

:PRESENT:

**THE HON'BLE SRI KALYAN JYOTI SENGUPTA, THE CHIEF JUSTICE
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WRIT PETITION NO: 9513 of 2008

Between:

1. Ankita Welfare Association 5-1-26, Pedajalaripeta, Visakhapatnam-17, Visakhapatnam, Rep. by its Secretary, S.K. Alisha, S/o. S.K.Lal Saheb, R/o.51-8-40/34, K.R.M. Colony, Seethammadhara, Visakhapatnam.
2. Samata, A non-governmental Organisation, Rep. by its Executive Director, Rabbapragada Ravi, S/o. R.K. Rao, R/o. Maharanipet, Visakhapatnam.

..... Petitioners

AND

- 1 State of Andhra Pradesh, rep. by its Principal Secretary Dept. of Municipal Administration, Secretariat, Hyderabad.
- 2 State of Andhra Pradesh, rep. by its Principal Secretary Dept. of Revenue, Secretariat, Hyderabad.
- 3 Greater Visakhapatnam Municipal Corporation, Rep. by its Commissioner, Visakhapatnam.
- 4 Visakhapatnam Urban Development Authority, Rep. by its Vice-Chairman, Siripuram, Visakhapatnam.
- 5 M/s. Vinaynagar Hotels and resorts (P) Ltd., 9-19-26/A, CBM Compound, Visakhapatnam. rep. by its Managing Director.
- 6 State of A.P., rep. by the Principal Secretary, Science, Technology, Energy and Environment, Secretariat, Hyderabad.

(Respondent No. 6 is impleaded as per Court order, dated 3/2/2009)

Cause title is amended as per C.O., dated 29.12.2014 in W.P.M.P.No.49071 of 2014.

.....Respondents

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; more particularly, one in the nature of a writ of Mandamus declaring the action of the respondents in permitting construction and constructing permanent structures in the name of Resorts, Restaurants and Party Zone upon the Kailashgiri Hill, situated in Chinna Gadila Village of Visakhapatnam Rural Mandal as unconstitutional and in violation of Environmental Protection Act and the Notifications issued there under and consequently, direct the authorities to remove the constructions already raised thereon forthwith on Kailashgiri Hill in Survey No.150 pursuant to the notification issued on 02.04.2007.

The petition coming on for hearing, upon perusing the petition and the affidavit

filed herein and the orders of the High Court, dated 17-02-2009 AND 27.10.2014 made herein and order dated 22-09-2014 made in WPMP. No. 27635 of 2014 and upon hearing the arguments of Sri K. S. Murthy, Advocate for the Petitioners, and the Govt. Pleader for Municipal Administration (AP) for the Respondent No. 1 and Govt. Pleader for Revenue (AP) for Respondent No.2 and Sri S. Laxmi Narayana Reddy, Standing Counsel for GVMC for Respondent No. 3 and SMT.K.SRIDEVI, Standing Counsel for VUDA for Respondent No.4, and the Govt. Pleader for I & CAD for Respondent No.6, the Court made the following:

ORDER:

//TRUE COPY//

ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The Principal Secretary Dept. of Municipal Administration, State of A.P., Secretariat, Hyderabad.
2. The Principal Secretary Dept. of Revenue, State of A.P., Secretariat, Hyderabad.
3. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
4. The Vice –Chairman, Visakhapatnam Urban Development Authority, Siripuram, Visakhapatnam.
5. The Managing Director, M/s. Vinaynagar Hotels and resorts (P) Ltd., 9-19-26/A, CBM Compound, Visakhapatnam.
6. The Principal Secretary, Science, Technology, Energy and Environment, State of A.P., Secretariat, Hyderabad.(1 to 6 by RPAD)
7. Two CCs to the Govt. Pleader for Municipal Administration (AP), High Court at Hyderabad.
8. Two CCs to the Govt. Pleader for Revenue (AP), High Court at Hyderabad.
9. Two CCs to the Govt. Pleader for I & CAD (AP), High Court at Hyderabad.
10. One CC to Sri K. S. Murthy, Advocate (OPUC)
11. Two spare copies.

SRL

HIGH COURT

HCJ

&

SK.J

DATED: 09.02.2015

NOTE: POST ON 16.03.2015.

ORDER

W.P. NO.9513 OF 2008

DIRECTION

DRAFTED BY : SRL

DATED ON : 11.02.2015

HIGH COURT

HCJ

&

SK.J

DATED: 09.02.2015

NOTE: POST ON 16.03.2015.

ORDER

W.P. NO.9513 OF 2008

DIRECTION