



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

SATURDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION NO: 18897 OF 2022

Between:

Kanumuri Raghurama Krishna Raju, S/o Sri K V S Suryanarayana Raju,
Aged about 59 years, Occ: Member of Parliament, R/o. 458/1 Block-4 Ai
Bhimavaram Akividu Mandal, West Godavari District Andhra Pradesh-
534235 Currently residing at Plot No. 18, New MP Villas New Bungalows,
North Avenue, Raisina Hills New Delhi-110001.

...Petitioner

AND

1. The State of Andhra Pradesh, .Rep. by its Chief Secretary, Government of Andhra Pradesh, 1st Block/1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh-522237.
2. The Collector and District Magistrate, West Godavari District, Collector Office, Bhimavaram, Andhra Pradesh-534201.
3. The Superintendent of Police, West Godavari District, District Police Office, Bhimavaram, Andhra Pradesh-534201.

...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 writ, order or direction more particularly one in the nature of Writ of Mandamus directing Respondents Specifically Respondent No. 2 to provide requisite permissions to the petitioner for landing the Helicopter at SRKR Engineering College, Bhimavaram or Delhi Public School, Bhimavaram, West Godavari District, Andhra Pradesh on 04.07.2022 at 9.00 AM to attend the 125th Birth Anniversary celebrations of the legendary freedom fighter Sri Alluri Seetha Rama Raju to be held in the presence of the Hon'ble Prime Minister of India;

Counsel for the Petitioner: SRI. UMESH CHANDRA P V G

Counsel for the Respondent Nos.1 & 2: GP FOR GENERAL ADMINISTRATION

Counsel for the Respondent No.3: GP FOR HOME

The Court made the following:

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**Writ Petition No.18897 of 2022****ORDER:**

This Writ Petition for a mandamus is filed seeking direction to the 2nd Respondent District Collector, West Godavari District, to permit the petitioner to land the helicopter in the premises of SRKR Engineering College, Bhimavaram or in the premises of Delhi Public School, Bhimavaram, West Godavari District, on 04.07.2022 at 9.00 A.M. to enable the petitioner to attend 125th Birth Anniversary Celebrations of legendary freedom fighter Sri Alluri Seetha Rama Raju to be held in the presence of the Hon'ble Prime Minister of India, on 04.07.2022.

2. Heard learned counsel for the petitioner and learned Government Pleader-I for Home appearing for 1st respondent State, Sri C.Suman, learned Special Government Pleader appearing for the 2nd respondent and Sri Y.N.Vivekananda, learned Government Pleader, appearing for the 3rd respondent.

3. The petitioner is an elected Member of Parliament of Narasapuram Lok Sabha Constituency in West Godavari District, Andhra Pradesh State. It is stated that 125th Birth Anniversary Celebration of legendary freedom fighter Sri Alluri Seetha Rama Raju is being celebrated on 04.07.2022 in Bhimavaram, West Godavari District and Hon'ble Prime Minister of India is attending the said celebrations. Therefore, the petitioner, who is representing the Parliamentary Constituency of Narasapuram,

states that he intends to attend the said celebrations on 04.07.2022.

4. It is stated that eventhough the petitioner is the Member of Y.S.R. Congress Party, which is currently in power in the State of Andhra Pradesh, that he is at loggerheads with the leaders of the said party as he has been criticising the policies of the Government as well as the policies of the YSR Congress Party in the recent past. Therefore, it is stated that the leaders of the YSR Congress Party bore-grudge against him and he is being implicated in various criminal cases. It is also stated that he was arrested in connection with one of the crimes registered against him and he was brutally beaten while he was in the police custody. Therefore, it is stated that the petitioner apprehends danger to his life when he visits Bhimavaram in connection with the said celebrations. Therefore, seeking security from the State during his visit to the Bhimavaram on 04.07.2022, the petitioner has filed W.P.No.18652 of 2022 before this Court. So, to avoid any untoward incident to take place during his visit, it is stated that he intends to visit Bhimavaram by helicopter from Gannavaram Airport to Bhimavaram. So, he has applied for permission on 17.06.2022 by his letter addressed to the 2nd respondent District Collector to permit him to land his helicopter in the premises of SRKR Engineering College, Bhimavaram and that another letter was also addressed to the 2nd respondent seeking permission to land his helicopter in the premises of Delhi Public School, Bimavaram. It is stated that he has also enclosed

the letter of the Principal and Vice Chairman of the Delhi Public School expressing their willingness to provide their premises to land the helicopter of the petitioner.

5. Now, the grievance of the petitioner is that the 2nd respondent District Collector did not take any decision in this regard and no orders are issued either permitting him to land his helicopter in the said premises or rejecting the same.

6. Therefore, the petitioner sought direction to the 2nd respondent to permit him to land his helicopter either in the premises of SRKR Engineering College, Bhimavaram or in the premises of Delhi Public School, Bhimavaram, on 04.07.2022 at 9.00 A.M. to enable him to attend the 125th Birth Anniversary Celebration of legendary freedom fighter Sri Alluri Seetha Rama Raju.

7. Learned Government Pleader for Home and learned Special Government Pleader and learned Government Pleader appearing for respondents 1 to 3 vehemently opposed the Writ Petition. They would submit that as per the Rules, which are in vogue, the petitioner has to produce the letter of the owners of the premises expressing their willingness to provide their premises to land the private helicopter of the petitioner. It is stated that eventhough, the Principal and Vice Chairman of the Delhi Public School has previously issued a letter expressing their willingness that they have subsequently withdrawn the consent as per letter dated 01.07.2022 stating that there are electrical high tension wires and

skating rink at the premises and as such, it is not possible to permit the petitioner to land the helicopter in their premises. They would also submit that the owners of the SRKR Engineering College, Bhimavaram did not give any letter expressing their willingness to permit the petitioner to land his helicopter in their premises. Therefore, they would submit that when the owners of the said two premises did not give consent to permit the petitioner to land his helicopter in their premises that the 2nd respondent District Collector, cannot accord any permission to the petitioner to land his helicopter in the said two premises as sought for by the petitioner. Therefore, they prayed to dismiss the Writ Petition.

8. It is not disputed before this Court that 125th Birth Anniversary Celebration of legendary freedom fighter Sri Alluri Seetha Rama Raju are being celebrated on 04.07.2022 at Bhimavaram. Admittedly, the petitioner is the Member of Parliament of the Narsapuram Lok Sabha Constituency. The record reveals that he has addressed a letter dated 17.06.2022 to the 2nd respondent District Collector, seeking permission to land his helicopter in the private premises of SRKR Engineering College, Bhimavaram and another letter seeking permission to land his helicopter in the premises of Delhi Public School, Bhimavaram. After receipt of the said two letters, the District Collector has called for the feasibility report from the concerned authorities as per her letter dated 18.06.2022. It is stated that the concerned officer of the Roads and Buildings Department has submitted a letter to the 2nd respondent District Collector stating

that it is not feasible to permit the petitioner to land his helicopter in the premises of the SRKR Engineering College, Bhimavaram. But, the 2nd respondent did not pass any order either according permission to the petitioner to land his helicopter either in the premises of the SRKR Engineering College, Bhimavaram or in the premises of the Delhi Public School, Bhimavaram or rejecting the same. Till now no order has been passed by the 2nd respondent. The 2nd respondent ought to have passed an appropriate order either according permission to the petitioner or rejecting the permission to the petitioner. No reasons are assigned before this Court as to why no such order was passed till now on the said representations made by the petitioner, who is a Member of Parliament. Therefore, there are clear laches and inaction on the part of the 2nd respondent District Collector in not disposing of the said written request in either way.

9. On account of the said inaction on the part of the 2nd respondent District Collector, the petitioner is constrained to approach this Court by way of filing this Writ Petition seeking direction as stated supra.

10. Now the question is whether the petitioner is entitled for a direction to the 2nd respondent District Collector to permit him to land the helicopter either in the premises of SRKR Engineering College, Bhimavaram or in the premises of Delhi Public School, Bhimavaram or not. It is not disputed before this Court that as per Rules in vogue that willingness/consent of the owners of the said two private premises i.e. SRKR Engineering College and Delhi

Public School, Bhimavaram, is required to permit the petitioner to land his private helicopter in their premises. Admittedly, no such willingness letter from the owner of the SRKR Engineering College, Bhimavaram is produced by the petitioner either before the 2nd respondent District Collector or before this Court. Therefore, no such permission can be accorded to the petitioner to land his helicopter in the premises of the SRKR Engineering College, Bhimavaram. Although, the concerned authority of the Roads and Buildings Department has given report stating that it is not feasible to land the helicopter in the premises of the SRKR Engineering College, Bhimavaram, it appears to be a cryptic report as it is absolutely devoid of any reasons as to why it is not feasible to land the helicopter in the premises of the said SRKR Engineering College, Bhimavaram. However, as the petitioner failed to produce any letter expressing willingness of the owner of the said SRKR Engineering College, no permission can be given to the petitioner or no direction can be given to the 2nd respondent District Collector to accord permission to the petitioner to land his helicopter in the premises of SRKR Engineering College, Bhimavaram.

11. So far as the premises of the Delhi Public School, Bhimavaram is concerned, eventhough, the Principal and Vice Chairman of the said School has initially given letter dated 28.06.2022 addressed to the 2nd respondent District Collector stating that considering the request made by the petitioner, the Member of Parliament, that they have no objection in offering their

space in the School for the safe landing of the helicopter as they have sufficient space in their School, subsequently, they addressed another letter dated 01.07.2022 to the 2nd respondent, which is now placed on record by the learned Special Government Pleader appearing for the 2nd respondent, stating that the School ground is covered with electric high tension wires and skating rink and as such, they have to cancel the no objection letter dated 28.06.2022 earlier addressed for landing the helicopter of the Member of Parliament. Therefore, it is now evident that even the owner of the premises of the said Delhi Public School has revoked the earlier consent given by letter dated 28.06.2022. Therefore, when there is no willingness given by owners of the said two premises viz., SRKR Engineering College, Bhimavaram, and Delhi Public School, Bhimavaram, no such permission can be accorded to the petitioner to land his helicopter in the said two premises. Although, the learned counsel for the petitioner stated that they are forcibly made to revoke their consent, the said issue cannot be gone into in this Writ Petition as it is a question of fact, which requires evidence to record a finding on it. Therefore, in the said facts and circumstances of the case, no such direction as sought for to the 2nd respondent District Collector can be issued to accord permission to the petitioner to land his private helicopter either in the premises of SRKR Engineering College, Bhimavaram or in the premises of Delhi Public School, Bhimavaram.

12. Learned counsel for the petitioner would submit that the petitioner intends to travel by helicopter only on account of the

threat which he got from the members of the YSR Congress Party as some posts are made in Social Media by the Member of Rajya Sabha Sri Vijayasai Reddy.

13. In this regard, it is to be noted that the petitioner has approached this Court with the same grievance in W.P.No.18652 of 2022 filed before this Court seeking security and other reliefs. The said Writ Petition was disposed of by this Court as per order dated 01.07.2022. As "Z Plus" category security was already provided to the petitioner by the Union of India during his visit to Bhimavaram, this Court has declined to order any protection from the police of the State Government. Learned counsel for the petitioner also did not press for the said relief in view of the fact that "Z Plus" category security was provided to the petitioner by the Union of India.

14. As regards the protection sought for from taking any coercive steps in the crimes that were already registered against the petitioner also, this Court clearly held in the order dated 01.07.2022 passed in the said Writ Petition that as protection either by way of staying further investigation or by way of directing the police not to take any coercive steps against the petitioner was already given in all pending crimes that no direction is required to be given again to the police not to take any coercive steps against him. However, in view of his apprehension expressed that he may be implicated in fresh crimes to wreak vengeance against him, this Court has directed the police that in case any fresh crimes are registered against him, to follow due process of law. Therefore, in

the said facts and circumstances of the case, this Court is of the considered view that no direction again is required to be given in this Writ Petition as sought for.

15. However, before parting with the matter, there is one issue which needs to be considered. Learned counsel for the petitioner would submit that as the Court has now declined to direct the 2nd respondent District Collector to accord permission to the petitioner to land his helicopter in the premises of the said two educational institutions for the reasons stated supra, it is now inevitable for the petitioner to undertake road journey from Gannavaram Airport to Bhimavaram to attend the said celebrations. Therefore, he would submit that there is possibility of some untoward incidents taking place on his way to Bhimavaram by some unruly elements in the present situation. So, he would pray to direct the 3rd respondent Superintendent of Police and the 1st respondent State to see that no untoward incident takes place on his way to Bhimavaram.

16. Learned Government Pleader-I for Home appearing for the 1st respondent State would submit that the said request of the petitioner is beyond the scope of this Writ Petition. He would submit that as no such prayer is made in the Writ Petition, the same cannot be considered.

17. Learned counsel for the petitioner would submit that the petitioner has prayed in the Writ Petition to pass such order or orders as this Hon'ble Court may deem fit and proper in the

interest of justice and considering the same, the Court can pass appropriate order as it deems fit in the facts and circumstances of the case.

18. The said cavil raised by the learned Government Pleader-I for Home, in the considered view of this Court, is devoid of merit. It is well settled law that the power of this Court under Article 226 of the Constitution of India in issuing mandamus is plenary in nature and it is not circumscribed by any limit. Writ of mandamus is a powerful public law remedy. So, it is within the competence of this Court in exercise of its extra-ordinary writ jurisdiction under Article 226 of the Constitution of India to pass appropriate order to render substantial justice to the party depending upon the facts and circumstances of the case. So, when the situation demands and warrants, it is within the competence of this Court to pass appropriate order in the given facts and circumstances of the case. More particularly, as the petitioner has prayed in the Writ Petition to pass such order or other orders as this Hon'ble Court may deem fit and proper in the interest of justice, considering the said strong apprehension expressed by the petitioner, this Court can pass appropriate order to that effect.

19. Maintenance of law and order is the State subject. So, the State cannot shun or abdicate its sovereign function, duty and its responsibility to maintain law and order on the ground that the "Z Plus" category security was provided to the petitioner by the Union of India. The said security is to protect the person of the

petitioner. Nevertheless, it is the duty of the State to maintain law and order within its territory and to see no untoward incidents take place enroute the journey of the petitioner from Gannavaram Airport to Bhimavaram. So, the mere fact that "Z Plus" category security was provided to the petitioner and that this Court declined to order for any security from the State to the person of the petitioner, will not come in the way of this Court to direct the State and the concerned Police to take care of the law and order situation and to prevent the untoward incidents that may take place in the given facts and circumstances of the case. Considering the pleadings in the Writ Petition and the apprehension and grievance of the writ petitioner, while taking a holistic view of the matter, the Court can pass appropriate order or issue direction to the State and its instrumentalities, as the Court deems fit and justifiable in the given facts and circumstances of the case.

20. So, in view of the strong apprehension expressed by the petitioner that there is possibility of untoward incidents taking place on his way, for the reasons stated by him in the Writ Petition, as State has to take care of the law and order situation, the 3rd respondent Superintendent of Police has to take necessary steps to see that no untoward incident takes place during the visit of the petitioner, who is the Member of Parliament, to Bhimavaram in connection with the said celebrations on 04.07.2022. The 1st respondent State shall also ensure that no law and order problem is created during his visit to the said

celebrations throughout, enroute his journey from Gannavaram Airport to Bhimavaram and back to Gannavaram Airport.

21. With the above directions, the Writ Petition is disposed of.
No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

Sd/- M. SHANKAR REDDY
For ASSISTANT REGISTRAR

//TRUE COPY//

Shankar
for SECTION OFFICER

To,

1. The Chief Secretary, State of Andhra Pradesh, Government of Andhra Pradesh, 1st Block/1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi, Guntur District, Andhra Pradesh-522237.
2. The Collector and District Magistrate, West Godavari District, Collector Office, Bhimavaram, Andhra Pradesh-534201.
3. The Superintendent of Police, West Godavari District, District Police Office, Bhimavaram, Andhra Pradesh-534201. **(1 to 3 By RPAD)**
4. One CC to Sri. Umesh Chandra P V G, Advocate [OPUC]
5. Two CCs to GP for General Administration, High Court of AP. [OUT]
6. Two CCs to GP for Home, High Court of AP. [OUT]
7. Two CD Copies

MSB

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HIGH COURT

DATED:02/07/2022

ORDER

WP.No.18897 of 2022

DISPOSED OF WRIT PETITION



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