

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

W.P. NO. 15097 OF 2020

Between:

1. A Srinivasa Rao
S/o. Late Ankamma, Aged about 54 Years
R/o. Ganikapudi Village, Prathipadu Mandal, Guntur District.
2. Nimmagadda Raiasekhar
S/o Malleswara Rao aged about 41 Years
R/o, D.No. 5933/B, 5th Lane Devapuram, Guntur.
3. Aluri Umamaheswara Rao
S/o Nageswara Rao aged about 62 Years,
R/o Mandadam Village, Thullur Mandal, Guntur District.
4. Aluri Srinivasa Rao
S/o Venkateswara Rao aged about 58 Years,
R/o Mandadam Village Thullur Mandal Guntur District.

...Petitioner

And

1. UNION OF INDIA
through its Cabinet Secretary,
Central Secretariat Building, New Delhi-110001.
2. Union of India
Rep. by its Secretary Ministry of
Home Affairs Office,
Jai Singh Marg Hanuman Road Area, Connaught Place,
New Delhi, Delhi-110 001, Email ID jscpgmhanic.in
3. The State of Andhra Pradesh,
Rep by its Chief Secretary Office,
AP Secretariat Complex, Velagapudi, Amaravati,
Andhra Pradesh, PIN-522503 Email ID: csap gov.in
4. The Government of Andhra Pradesh
Rep. by its Prl. Secretary
Municipal Administration and Urban Development,
The Govt of Andhra Pradesh Office,
AP Secretariat Complex Velagapudi,
Amaravati, Andhra Pradesh, PIN-522503,
Email ID: apmaud@gmail.com
5. Telugu Desam Party
Rep by its President Sri N Chandrababu Naidu Party,
Headquarters Mangalagiri Guntur.
6. YSR Congress Party
Rep. by its President Y S Jaganmohan Reddy,
Tadepalli, Guntur District.
7. Bharatiya Janata Party
Rep. by its National President

J P Nadda, New Delhi-110001.

8. Bharatiya Janata Party
Andhra Pradesh Chapter
Rep by its President Somu Veerraju,
Vijayawada Krishna District.

9. Indian National Congress
A P Chapter Rep by its President
Dr Shailaja Nath, Vijayawada.

10. Communist Party of India
Andhra Pradesh Chapter
Rep. by its Secretary Vijayawada,
Krishna District, Andhra Pradesh.

11. Communist Party of India Marxist
Andhra Pradesh Chapter,
Rep by its Secretary, Sri. Madhu Penumalli,
Vijayawada, Krishna District, Andhra Pradesh.

12. Jana Sena Party
Rep. by its President K Pawan Kalyan
having its office at Mangalagiri, Guntur District.

13. Sri Y S Jagan Mohan Reddy
S/o. Late Y S Raja Shekar Reddy,
Aged about 46 Years,
President of YSR Congress Party
And the Chief Minister State of A.P.,
Tadepalli, Guntur District, Email: cmap.gov.in

14. Sri. Botcha Satyanarayana
Minister for Municipal Administration and Urban Development,
Office at Room No 135, Ground Floor Building No.2,
Velagapudi, Email: Satyanarayana,
botchaap gov in, peshimaudapl@gmail.com

15. Sri. Buggana Rajendranath Reddy
Minister for Finance and Planning Legislative Affairs,
Office at Room No 212, First Floor Building No.2,
Velagapudi Email rajendranath bap gov.in.

16. Sri. Ummareddy Venkateshwarulu
Senior Leader YSR Congress Party
and Chairman of the Manifesto Committee,
YSR Congress Party Resident, Guntur, Guntur District.

...Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF RESPONDENT NO. 11

I, Madhu Penumalli, son of Dasaradha Rami Reddy, aged about 74 years, Secretary of Communist Party of India Marxist, a National Political Party solemnly swear as follows:

1. That I am representing the National political party viz., **Communist Party of India, Marxist** as Secretary of the State of Andhra Pradesh and

as such I am well acquainted with the facts of the matter and hence I am filing this counter affidavit, on behalf of Respondent No. 10 in the WP. 15097 of 2020.

2. It is humbly submitted that the two recent enactments passed by the Andhra Pradesh Legislature viz. **Andhra Pradesh Capital Region Development Authority Repeal Act, 2020** (Act 27 of 2020) and **Andhra Pradesh Decentralization and Inclusive Development of All Regions Act, 2020** (Act 28 of 2020) are against the principles enshrined in the Constitution as they are illegal and arbitrary and are also in violation of the Central Act viz. AP State Reorganisation Act 2014 (Act 6 of 2014).
3. It is humbly submitted that as per the AP State Reorganisation Act 2014, the combined State of AP has been bifurcated into the States of Telangana and Andhra Pradesh with the city of Hyderabad as the common capital for a period of 10 years.
4. It is humbly submitted that under the aforementioned Reorganisation Act, the Centre has laid down provisions under Section 6 to appoint a committee in order to find an appropriate capital for the residuary State of Andhra Pradesh and in accordance with Section 6, Ministry of Home Affairs has appointed **Siva Ramakrishnan Committee** to suggest the capital for the residuary State of Andhra Pradesh.
5. It is humbly submitted that Section 94(3) of the Central Act states that the Centre shall provide special financial support for the creation of essential facilities in the new capital of the successor State of Andhra Pradesh including the Raj Bhawan, High Court, Government Secretariat, Legislative Assembly, Legislative Council, and such other essential infrastructure. Subsequently, Amaravati was chosen to be the capital of Andhra Pradesh by the previous government. As provided under Section 3(1) of the Andhra Pradesh Capital Region Development Authority Act, 2014, it was notified vide G.O.Ms. No. 253, MA&UD Dept., Dated: 30/12/2014 indicating Capital City as Amaravati comprising 'Thulluru,

Tadepalli and Mangalagiri' Mandals of Guntur District and 29 villages in the said 3 Mandals. (Enclosed hereinunder as Annexure-I)

6. The incumbent Chief Minister who was then the leader of the opposition party did not question the decision of the former government and moreover supported the same unconditionally on the floor of the Legislative Assembly.
7. It is humbly submitted that for the construction of the Capital, the former government had introduced the **AP Capital City Land Pooling Scheme Rules, 2015**. The government entered into individual contracts with each such person who had contributed their land to the Capital Region Development Authority (CRDA) and promised the respective farmers and land owners plots in the capital city with an assured future development of the land.
8. It is humbly submitted that the funds amounting to Rs. 1,500 crores were received from the Centre for the construction of buildings such as Secretariat, Assembly, High Court etc were utilised and buildings for Secretariat and Assembly at Velagapudi have been constructed and have been functioning since the date of their establishment.
9. It is humbly submitted that in **Andhra Pradesh Decentralisation and Inclusive Development of All Regions Act, 2020** (Act 28 of 2020), the incumbent government has stated that the administration of the State will be decentralized with Amaravati as the Legislative Capital, Vishakapatnam as the Executive Capital and Kurnool as the Judicial Capital. The provisions of these two Acts are contrary to the provisions of the Central Act viz. The AP Reorganisation Act, 2014.
10. It is humbly submitted that CPI(M) opposes Act No. 27 and 28 of 2020. The party **stands by the city of Amaravati as the capital of Andhra Pradesh and is against the decentralization of the capital**. However, the location of the Hon'ble AP High Court is a separate independent issue; we are of the opinion that it can be located at Kurnool. While CPI(M) is not opposed to decentralization of the development, the same

can be achieved without resorting to decentralization of the capital. The CPI(M) party is of firm view that comprehensive development of the state and the people will be achieved by development of agriculture, industrialization and establishment of various institutions like education, infrastructure, industries, IT and other allied development activities throughout the State of residuary Andhra Pradesh by establishing both government and Private institutions and establishments at various places giving prominence to backward areas more particularly like Rayalaseema and North Andhra regions. Then only, the development will be achieved by concrete measures by utilizing natural sources and human resources in a planned manner. But, the present government lit a fire by cropping up the regional bias among the people on the basis of region which is unwarranted. This type of deviation among the people on the basis of region is not healthy for the future overall development of Andhra Pradesh.

11. It is humbly submitted that the government has been functioning from Amaravati since 2016. Hence, the party sees no necessity to shift the capital.
12. Albeit the concept of decentralization is crucial for the development of all parts of the State it should not be at the cost of thousands of farmers who have given their sole source of income i.e. their agricultural lands in hopes of better lives and opportunities for their future generations and also for capital development of residuary Andhra Pradesh.
13. It is humbly submitted that by halting the undergoing constructions of the official buildings, trifurcating the capital, the Hon'ble Chief Minister not considering the already existing problems in the State after bifurcation as main industries and more development activity was concentrated in Hyderabad by spending huge amounts for various developmental activities in the unified State of Andhra Pradesh. With the Centre not providing financial assistance for the development of the capital and the investors such as the prominent private investors

withdrawing, the State finds itself in a predicament. During these dire situations, the shifting of capitals would add to the economic burden of the State and the execution of the same would not be feasible. There are no sources of funds at present as the State income deficit is increasing day by day.

14. It is humbly submitted that CPI(M) is strongly opposed to the idea of decentralization of the capital as it is not pragmatic. The government must respect the decision taken by the former government with the support of the Central Government and more importantly, it must not ignore the consensus of the people of Andhra Pradesh. The Central Government purposefully ignoring its constitutional role as ours is Federal State, the State and Centre should work together with co-operation for the development of broader concept of federalism. But, whereas, the Centre purposefully ignoring its responsibility and declaring that it has no role in establishing capital. The Centre also failed to give 'Special Status' as assured on the floor of the Parliament. Most of the promises under Reorganization Act are not fulfilled by the Centre. As such, Centre is escaping from its prime responsibility.

Therefore, the Hon'ble High Court maybe pleased to allow the
Writ Petition as prayed for.

Sworn and signed before me
this the 03rd day of November, 2020
at Amaravathi.

Deponent

Before me

Advocate/Amaravathi