

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: W.P.Nos.2464 of 2019 and 32873 of 2018.

PROCEEDING SHEET

Sl.No	DATE	ORDER	OFFICE NOTE
	30.01.2024	<u>VS, J</u> The case of the petitioner is that he was sanctioned mining lease for Manganese ore, in over an extent of 21.77 hectares in un-surveyed area of Putikavalasa Village, hamlet of Diguamedangi, Salur Mandal, Vizianagaram district, for a period of 20 years vide G.O.Ms.No.60, Industries and Commerce (M.I) Department, dated 21.02.2014, after duly conducting a survey in the year 2012. A joint survey was conducted in the presence of Assistant Director, Survey of Land Records, Vizianagaram, Sub-Divisional Forest Officer, Parvathipuram, Tahsildar, Saluru, Forest Range Officer, Saluru, Surveyor Task Force O/o ADSLR, Forest Section Officer, Mamidipalli Section, Forest Beat Officer, Thonam by duly obtaining the GPS readings of 9 points demarcated on the ground by fixing stones of the proposed mining area and the GPS points are superimposed in Arcview software on SI sheet. A joint survey report was submitted on 15.03.2012 stating that the land leased out in favour of the petitioner falls outside the reserve forest of Nanda Block.	

		After obtaining the lease in the year 2014, the petitioner has submitted an application for issuance of NOC to the Forest Department and on such application, another joint survey was conducted in the presence of Forest Range Officer, Saluru, Forest Section Officer, Mamidipalli section, Forest Section Officer, Makkuva, Forest beat officer, Thonam, Mandal Revenue Surveyor, Saluru and D. Sudhakar (AGM, SGX Minerals Pvt. Ltd., Visakhapatnam). Accordingly, a joint survey report dated 06.04.2017 was submitted by the Forest Range Officer to the Divisional Forest Officer, Vizianagaram, according to which, major portion of the proposed area falls into the Nanda Forest Block and the report further states that as the Nanda Forest Block is un-notified, no information is available in the Range Office to survey the proposed mining area with chain and compass. In view of the disputed survey reports, this Court vide orders dated 05.02.2021, passed the following order: <i>“Keeping aside the question of whether the Forest Department can claim to exercise any power under the Indian Forest Act, 1927, the Andhra Pradesh Forest Act, 1967 or the Forest Conservative Act, 1980, when there is no notification declaring this area as a forest, it would still be necessary to verify the actual position on the ground in the presence of all the parties to obviate any further disputes. Accordingly:</i>	
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		the survey operation 23 permanent cairns were observed as shown by the petitioner. But, however, during the field survey, it was observed that there are more such cairns in the area further away in the opposite direction. The forest department has erected 38 number of temporary forest boundary pillars basing on longitudes and latitudes from Survey of India Topo sheet No.65 N/2. Though the 38 points taken from SOI Topo sheet, fall within the quarry lease area, as per above remark on topo sheet, these have not been verified by Forest authorities concerned. The report further states that the present quarry lease area falls in the mining area granted and excess difference of 1.472 acres/0.595 hectares between the mining area granted and the present quarry lease area is noted. The letter dated 29.03.1974, handed over by the Revenue department to the Forest department does not contain any data such as map, sketch or coordinates duly showing the forest boundary or revenue boundary. Hence, the information of proceedings under which the revenue authorities have handed over the land parcels to the forest department as ordered by this court could not be established, so as to enable Survey of India to prepare map in this regard post survey operation. As could be seen from the survey report, the Survey of India could not conclude as to	
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		whether the land leased out in favour of the petitioner falls within the Nanda Block or outside the forest block. In view of the above discrepancies, this Court feels it appropriate to order for conducting a fresh joint survey in the presence of the petitioner as well as revenue authorities such as Assistant Director, Survey of Land Records, Parvathipuram Manyam District, Tahsildar along with Mandal Surveyor, Saluru and forest officials such as Forest Range Officer, Saluru and District Forest Officer, Parvatipuram Manyam District. Accordingly, a joint survey shall be conducted, in the presence of the petitioner and the aforementioned officials, in accordance with G.O.Ms.No.60, dated 21.02.2014 issued in favour of the petitioner, leasing out an extent of 21.77 hectares un-surveyed area of Putikavalasa, hamlet of Diguvamendangi (Mokasa) Village, Saluru Mandal, Vizianagaram. The said survey shall be conducted duly giving appropriate notice to the petitioner and the survey shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. Post these matters after four (4) weeks for production of the record, under the caption “part heard”. VS, J GSS	
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