



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY THIRD DAY OF JULY.

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH
THAKUR

AND

HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WP(PIL) NO: 35 OF 2025 along with WP No. 4262 of 2025

WP(PIL) NO: 35 OF 2025

Between:

1. Korukonda Koteswarrao, S/o Raju Naidu aged about 42 years Occ farmer R/o 0-0 Mamidipalem Village, Anakapalli district, Anakapalli.
2. Korukonda Apparao, S/o China Ramanaidu aged about 40 years Occ panchayati ward member R/o 2-98 Mamidipalem Village, Anakapalli district, Anakapalli.
3. Pudi Ramana, S/o Pudi Ramana aged about 34 years Occ Business R/o 1-4 Mamidipalem Village, Anakapalli district, Anakapalli.
4. Gowri Srinivasa Rao, S/o Kotolu aged about 31 years Occ farmer R/o 3-94 Mamidipalem Village, Anakapalli district, Anakapalli.
5. Pudi Manikanta, S/o Ramana aged about 28 years Occ farmer R/o 1-33 Mamidipalem Village, Anakapalli Anakapalli.
6. Uppaluri Govinda, S/o Akki Naidu aged about 32 years Occ Business R/o 4-30 Mamidipalem Village, Anakapalli district, Anakapalli. district.
7. Pudi Anil Kumar, S/o Srinivasa Rao aged about 27 years Occ farmer R/o 1-51 Mamidipalem Village, Anakapalli district, Anakapalli.

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8. Chandaka Laxmi, W/o Late Ramu aged about 34 years Occ Vice Sarpanch R/o Mamidipalem Village, Anakapalli district, Anakapalli.
 9. Uppuluri Naga Lakshmi, W/o Uppuluri Govinda aged about 27 years Occ Farmer R/o 4-36-1 Mamidipalem Village, Anakapalli district, Anakapalli.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep By Its Chief Secretary, General Administration Department, Secretariate Buildings Velagapudi Amaravati.
2. The State Of Andhra Pradesh, Rep by its Principal Secretary, Industries And Factories Department, Secretariat Buildings, - Velagapudi, Amaravati.
3. The Member Secretary, AP Pollution Control Board, O/o MogalarajuPuram, Surya Rao Peta, Vijayawada, N T R Dist.
4. The Joint Chief Environmental Engineer, Pollution Control Board, Zonal Office, Madhavadhara, VUDA layout, beside RTO Office, Vishakhapatnam.
5. The Environmental Engineer, AP Pollution Control Board, Regional Office, 6th Floor, Udyog Bhavan Complex, Siripuram Junction, Visakhapatnam
6. The Deputy Chief Inspector of Factories, O/o Inspector Of Factories, Visakhapatnam and Dist.
7. The Dist Collector, Anakapalli dist, Anakapalli
8. The Revenue Divisional Officer, Anakapalli Divison, Anakapalli district, Anakapalli
9. The Tahsildhar, Anakapalli, Anakapalli Mandal, Anakapalli ' Dist
10. The Superintendent of Police, Anakapalli district.
11. The Station House Officer, Anakapalli , Anakapalli district

12. The Dist Medical and Health officer, Anakapalli Dist, Anakapalli.
13. The Dist Mines and Geology officer, Anakapalli Dist. Anakapalli
14. The Superintending Engineer, APEPDCL, Anakapalli district, Anakapalli
15. The Mamidipalem Gram Panchayat, Rep by its Secretary Mamidipalem Village, Anakapalli mandal, Anakapalli Dist,
16. Sri Maa Reddy Singareddy, S/o not known aged about Major, Proprietor M/s Anjani Stone Crusher O/o Survey No 120 and 121, Mamidipalem Village, Anakapalli mandal, Anakapalli Dist, 531032

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declaring the action on the part of the respondents herein not shifting/closing the M/s Anjani Stone Crushers of 16th respondent situated at survey no 120 and 121, Mamidipalem village, Anakapalli mandal, Anakapalli dist in the light of the provisions of AP Environmental Protection act, 1986 including the relevant provisions of Air and water Acts in the interest of public health and protection of Environment as illegal, arbitrary and contrary to the other connected laws and violative of article 14, 21 and 48A of the constitution of India and Consequentially to direct the respondents to take steps to stop the activities of the M/s Anjani stones Crushers/16th respondent in view of the notice dt 20-12-2024 of the 4th respondent.

IA NO: 1 OF 2025:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the WP(PIL), the High Court may be pleased to direct the respondents to take steps to stop the activities of the M/s Anjani stones Crushers/16th respondent in view of the notice dt 20-12-2024 of the 4th respondent, pending disposal of WP(PIL) No.35 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Writ Petition and the affidavit filed in support thereof and the earlier Order of the High Court dated 19.02.2025 made herein and upon hearing the arguments of Sri Bokka Satyanarayana, Advocate for the Petitioners and Sri Y.Soma Raju, learned Standing Counsel for the Respondent Nos.3, 4 & 5 and GP for Mines and Geology for the Respondent No.13 and Sri Y.Koteswara Rao, Standing Counsel for the Respondent No.15.

WRIT PETITION NO: 4262 OF 2025

Between:

1. Mr. Kotada Apparao, S/oAtchi Babu, aged about 62 Years, R/o. Mamidipalli Village, AnakapalliMandal, Visakhapatnam District, Andhra Pradesh.
2. Kotada Samba Murthy, S/oAtchibabu, aged about 61 years, R/o. Mamidipalli Village, AnakapalliMandal, Visakhapatnam District, Andhra Pradesh.

...Petitioners

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary (Industries and Mines Department), Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
2. The Director, Mines and Geology Department, Ibrahimapatnam, Vijayawada, NTR District, Andhra Pradesh.

3. The Andhra Pradesh Pollution Control Board, Moghalrajapuram, Vijayawada, NTR District, Andhra Pradesh, Represented by its Member Secretary.
4. The Andhra Pradesh Pollution Control Board, Regional Office at UdyogBhavan Complex, Siripuram Junction, Visakhapatnam, Andhra Pradesh.
5. The Joint Chief Environmental Engineer, Pollution Control Board, Zonal Office at Madhurawada, HUDA Layout, Visakhapatnam, Andhra Pradesh.
6. The District Collector, Anakapalli District, Andhra Pradesh.
7. The Tahsildar, Anakapalli Mandal, Anakapalli District, Andhra Pradesh.
8. The Mamidipalem Gram Panchayat, Mamidipalem Village, Anakapalli District, Andhra Pradesh, Represented by its Village Secretary:
9. M/s. Anjana Stone Crusher, at Sy. No. 120 and 121, Mamidipalem Village, Anakapalli District, Andhra Pradesh, Represented by its Proprietor, Mareddy Singa Reddy.

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 a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly respondents 2 to 5 herein in not taking action against the 9th respondent for his illegal operation of the stone crusher without taking any precautionary as per the policy of the respondents 3, 4 and 5 herein and also in not considering the representations of the petitioners dated 21.02.2017, 14.03.2017, 25.11.2024 as well as the representation of the 8th respondent Grampanchayat dated 02.12.2024 to the 6th respondent along with other respondents for closing the crushing unit as illegal

arbitrary and also oppose to Article 14 and 21 of the Constitution of India as well as oppose to all cannons of justice and also oppose to right to life guaranteed by the Constitution of India consequentially direct the respondents to take stringent action against the 9th respondent by considering the representations of the petitioners dated 21.02.2017, 14.03.2017, 25.11.2024 as well as the representation of the 8th respondent Grampanchayat dated 02.12.2024 to the 6th respondent for closing of the crushing unit run by the 9th respondent forthwith.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri N NAGARAJA KAPOOR Advocate for the Petitioner, and of Government Pleader for Mines and Industries for respondent Nos.1 and 2, and of Government Pleader for Revenue, for Respondent Nos.6 and 7, and of Sri Y.SomaRaju, Standing counsel for Pollution Control Board for respondent Nos.3 to 5, and of Sri Y.KoteswaraRao, Standing Counsel for respondent No.8, the Court made the following

ORDER:

“The issue is with regard to pollution caused by the private respondent No.16 in the PIL, who is running a stone crusher.

It appears that a general order was issued, dated 25.06.2025, to certain stone crushers who are operating in the Anakapalli District by virtue of which certain deficiencies were sought to be rectified.

A similar notice came to be issued to respondent No.16 containing the said date i.e., 25.06.2025.

As to what remedial measures were taken by respondent No.16 pursuant to the issuance of the notice, dated 25.06.2025 and whether the deficiencies were rectified or not have not been brought to our notice.

A statement was made by Mr. Y. Somaraju, learned Standing Counsel for Andhra Pradesh Pollution Control Board [A.P.P.C.B] who stated that according to his instructions, respondent No.16 had since stalled and ceased the operations altogether.

However, both the counsel for respondent No.16 and the petitioners state that the operations of the stone crusher have not been stalled or ceased and that the statement made by learned counsel for the Pollution Control Board is not correct.

We do not understand as to on what basis the officers of the Pollution Control Department are passing on instructions which have no factual basis at all and the instructions are being given off the cuff only with a view to escape their responsibility to ensure compliance with the statutory provisions which envisage and enjoin the said authorities to prevent any pollution being caused by such polluting units.

We direct the Member Secretary, A.P.P.C.B, to file an affidavit as to what further action was taken by the authorities pursuant to the issuance of the notice, dated 25.06.2025.

Another issue that was highlighted during the course of arguments was that although a general direction was issued by the Joint Chief Environmental Engineer addressed to all the stone crushers operating in the vicinity and to be precise as many as 28 other units, whether or not the said units to whom general directions were issued have been complied with or not also needs to be verified.

It was also suggested that an independent team of experts be constituted who will submit an inspection report with regard to the deficiencies and the extent of pollution, if any, which is caused by the said units in Anakapalli District.

We would first require a report from the Member Secretary of A.P.P.C.B based upon inspection reports conducted with regard to each of the 29 units functioning in Anakapalli District, details whereof were given in the general directions, dated 25.06.2025, to see as to whether the said units complied with the pollution control norms or not and whether any consequential action is taken or is envisaged to be taken.

Merely by issuing general directions, the matter may not be solved and a consequential supervision is warranted.

Based upon the reports which would be placed before us on or before the next date of hearing in regard to all the 29 units, we shall consider constituting a team of experts who will also visit all the 29 units to see as to whether the reports which are submitted by the Pollution Control Board are correct in every respect and to ascertain the actual position on spot with reference to the statutory guidelines which such units are supposed to follow.

For that we may have to incorporate all the 28 other units functioning in Anakapalli District. However, we shall consider this on the next date of hearing.

Let inspection reports be furnished by the Member Secretary, A.P.P.C.B before this Court on or before the next date of hearing.

List on 29.10.2025.”

Sd/- SK MD RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Chief Secretary, State of Andhra Pradesh, General
Administration Department, Secretariate Buildings Velagapudi

Amaravati. (by **Special Messenger**- along with a copy of petition and affidavit)

2. The Principal Secretary, State Of Andhra Pradesh, Industries And Factories Department, Secretariat Buildings, - Velagapudi, Amaravati.
3. The Member Secretary, AP Pollution Control Board, O/o MogalarajuPuram, Surya Rao Peta, Vijayawada, N T R Dist. (**SPECIAL MESSENGER**)
4. The Joint Chief Environmental Engineer, Pollution Control Board, Zonal Office, Madhavadhara, VUDA layout, beside RTO Office, Vishakhapatnam.
5. The Environmental Engineer, AP Pollution Control Board, Regional Office, 6th Floor, Udyog Bhavan Complex, Siripuram Junction, Visakhapatnam
6. The Deputy Chief Inspector of Factories, O/o Inspector Of Factories, Visakhapatnam and Dist.
7. The Dist Collector, Anakapalli dist, Anakapalli
8. The Revenue Divisional Officer, Anakapalli Divison, Anakapalli district, Anakapalli
9. The Tahsildhar, Anakapalli, Anakapalli Mandal, Anakapalli ' Dist
10. The Superintendent of Police, Anakapalli district.
11. The Station House Officer, Anakapalli , Anakapalli district
12. The Dist Medical and Health officer, Anakapalli Dist, Anakapalli.
13. The Dist Mines and Geology officer, Anakapalli Dist. Anakapalli
14. The Superintending Engineer, APEPDCL, Anakapalli district, Anakapalli

15. The Secretary, Mamidipalem Gram Panchayat, Mamidipalem Village, Anakapalli mandal, Anakapalli Dist,
16. Sri Maa Reddy Singareddy, M/s Anjani Stone Crusher O/o Survey No 120 and 121, Mamidipalem Village, Anakapalli mandal, Anakapalli Dist, 531032 (Addressee Nos.2 to 16 by **RPAD**- along with a copy of petition and affidavit)
17. One CC to Sri. Bokka Satyanarayana, Advocate [OPUC]
18. Two CCs to GP for General Administration, High Court of Andhra Pradesh. [OUT]
19. Two CCs to GP for Labour Department, High Court of AP [OUT]
20. One CC to Sri Y.Soma Raju, Standing Counsel [OPUC]
21. Two CCs to GP for Revenue, High Court of AP [OUT]
22. Two CCs to GP for Home, High Court of AP [OUT]
23. Two CCs to GP for Medical & Health, High Court of AP [OUT]
24. Two CCs to GP for Mines & Geology, High Court of AP [OUT]
25. One CC to Sri V.V.Satish, Standing Counsel [OPUC]
26. One CC to Sri Y.Koteswara Rao, Standing Counsel [OPUC]
27. Two spare copies

HIGH COURT

HC,J

&

RC,J

DATED:23/07/2025

LIST ON 29.10.2025

WP(PIL) NO: 35 OF 2025 along with WP No. 4262 of 2025

DIRECTION

