

[3330]

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

TUESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 4297 OF 2025

Between:

1. P. Murali, S/o. P. Yella Reddy,
2. G.Pedda Malla Reddy, S/o. Venkata Reddy,
3. G.Veera Reddy, S/o G.Seshi Reddy.
4. G.Ramalingeswara Reddy, S/o. Bala Venkata Reddy

(All Petitioners No.1 to 4 are R/o. Pudicherla Village, Orvakal Mandal,
Kurnool District.

Petitioners

AND

1. The A.P POLLUTION CONTROL BOARD, Represented by its
Chairman, Paryavaran Bhavan, APIIC Colony Road, Gurunanak
Colony, Vijayawada 520007, A.P.
2. The District Collector, Kurnool, Kurnool District.
3. The Joint Chief Environmental Engineer, A.P Pollution Control Board,
Zonal Office, Dr.YSR Paryavaran Bhavan,Road No.1, Labour
Colony,V.R.Colony Kurnool - 518 003.
4. The Environmental Engineer, A.P. Pollution Control Board, Zonal Office,
Dr.YSR Paryavaran Bhavan, Road No.1,Labour Colony,V.R.Colony
Kurnool - 518 003.
5. The Revenue Divisional Officer, Kurnool, Kurnool District, A.P.
6. The Tahsildar, Orvakal Mandal, Kurnool District, A.P.
7. The District Panchayat Officer (DPO), Kurnool, Kurnool District.

8. Mandal Parishad Development Officer (MPDO), Orvakal Mandal, Kurnool District.
9. The Panchayat Secretary, Pudicherla Gram Panchayat, Orvakal Mandal, Kurnool District.
10. G.Pullareddy, Village Sarpanch, Pudicherla Village, Orvakal Mandal, Kurnool District, A.P.

Official-Respondents

11. The Anil Kumar Ganji, M/s. Kailash Industries, P 35, VAHINI NAGAR CO, Tirumalagiri, Manovikas Nagar, Hyderabad - 500009.

Unofficial- Respondent

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 order or direction more particularly one in the nature of Writ of MANDAMUS declare the inaction of the official Respondent No.4,7 & 8 in taking appropriate action as per our representation dated 10.07.2024, 12.07.2024, 15.03.2024, 20.07.2024,29.07.2024 to stop the construction of Silica Sand AND Quartz industry in our agriculture lands in Pudicherla Village, Orvakal Mandal in Sy.No.387 and Sy.No.388 and inactions of the Respondent No.6 in taking action as per proceedings of Respondent No.5 vide reference Rc.L.Dis.C.851/2024 dated 07.08.2024 is illegal, arbitrary and unjust, violation of A.P Panchayat Raj Act, 1994 proceedings and violation of the principles of natural justice and violation of Articles 21,14,19 AND 300-A of Indian Constitution.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the official Respondents to take appropriate action as per our representation dated 10.07.2024, 12.07.2024, 15.03.2024, 20.07.2024, 29.07.2024 to stop the construction of 'Silica Sand & Quartz' industry in our agriculture lands in Pudicherla Village, Orvakal Mandal in Sy.No.387 and Sy.No.388 and direct the Respondent No.6 in take action as

per proceedings of Respondent No.5 vide reference Rc.L.Dis.C.851/2024 dated 07.08.2024, Pending disposal of WP 4297 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI SATYA SREENIVASA RAO K, Advocate for the Petitioners, Sri Y. SOMARAJ, Standing Counsel for the Respondent Nos.1&3, learned GP FOR REVENUE for the Respondent Nos.2&5, GP FOR PANCHAYAT RAJ & RURAL DEV for the Respondent No.7, Sri MATTEGUNTA SUDHIR, Standing Counsel for the Respondent Nos.8&9, the Court made the following

ORDER:

"It is the torment of the petitioners that the 11th respondent is going to establish Silica Sand & Quartz industry in petitioners' agricultural lands in Sy.Nos.387 and 388 situated at Pudicherla Village, Orvakal Mandal. The said industry will cause environmental pollution to the villagers of Pudicherla Village, Orvakal Mandal. The petitioners brought the same to the notice of the respondents through representations, but there is no enquiry and the respondents are highhandedly trying to construct the said industry, without acquiring any land from the petitioners. Aggrieved by the same, the present writ petition is filed seeking a direction to the official respondents, to follow the procedure before any permission is given to the 11th respondent for establishing Silica Sand & Quartz industry in Pudicherla Village, Orvakal Mandal.

Learned Standing Counsel for Pollution Control Board as well as learned Standing Counsel for Gram Panchayat, sought some time for securing instructions.

The matter requires adjudication.

Therefore, there shall be an interim direction to the respondents not to take any coercive steps against the subject properties.

Learned counsel for respondent Nos.3 and 4 are directed to secure instructions, whether any application was made by the 11th respondent for establishment of Silica Sand & Quartz industry in Pudicherla Village, Orvakal Mandal.

List the matter after two (02) weeks.

Meanwhile, learned counsel for the petitioners is permitted to takeout personal notice to respondent Nos.10 and 11 through registered post with acknowledgment due and file proof of service in the Registry."

SD/-SK MD RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For A. REGISTRAR

To,

1. The Chairman, A.P POLLUTION CONTROL BOARD, Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Vijayawada 520007, A.P.
2. The District Collector, Kurnool, Kurnool District.
3. The Joint Chief Environmental Engineer, A.P Pollution Control Board, Zonal Office, Dr.YSR Paryavaran Bhavan, Road No.1, Labour Colony, V.R.Colony Kurnool - 518 003.
4. The Environmental Engineer, A.P. Pollution Control Board, Zonal Office, Dr.YSR Paryavaran Bhavan, Road No.1, Labour Colony, V.R.Colony Kurnool - 518 003.
5. The Revenue Divisional Officer, Kurnool, Kurnool District, A.P.
6. The Tahsildar, Orvakal Mandal, Kurnool District, A.P.
7. The District Panchayat Officer (DPO), Kurnool, Kurnool District.
8. Mandal Parishad Development Officer (MPDO), Orvakal Mandal, Kurnool District.
9. The Panchayat Secretary, Pudicherla Gram Panchayat, Orvakal Mandal, Kurnool District.

10. G.Pullareddy, Village Sarpanch, Pudicherla Village, Orvakal Mandal, Kurnool District, A.P. (Addressee Nos.1 to 11 by RPAD)
11. One CC to SRI. SATYA SREENIVASA RAO K Advocate [OPUC]
12. One CC to SRI Y. SOMA RAJ, STANDING COUNSEL [OPUC]
13. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV ,High Court Of Andhra Pradesh. [OUT]
14. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
15. One CC to Sri MATTEGUNTA SUDHIR, STANDING COUNSEL [OPUC]
16. One spare copy

Kj

HIGH COURT

TRR,J

DATED:18/02/2025

LIST THE MATTER AFTER TWO (02) WEEKS

ORDER

WP.No.4297 of 2025

INTERIM DIRECTION

