

APHC010082282026



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

[3504]

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

**PRESENT
THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

WRIT PETITION NO: 4573/2026

Between:

1. NANDURI RAMESH, S/O. NANDAIAH, AGED ABOUT 43 YEARS, OWNER OF BOATS, R/O. 3-193, VYKUNTA PURAM, THULLUR MANDAL, GUNTUR DISTRICT - 522020.
2. KOMMAVARAPU BHUPATHI,, S/O. KOTESWARA RAO, AGED 37 YEARS, R/O. 1-52, MUNUGODU, GUNTUR DISTRICT -522402.

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522237.
2. THE TAHSILDAR, , RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT-533101.
3. THE STATION HOUSE OFFICER, RAJAMAHENDRAVARAM III TOWN POLICE STATION, EAST GODAVARI DISTRICT-533101.
4. THE IRRIGATION CONVERSION ASSISTANT, AGRB JUNCTION, IRRIGATION DEPARTMENT, RAJARNAHENDRAVARAM, EAST GODAVARI DISTRICT-533101.
5. THE DISTRICT MINES AND GEOLOGY OFFICER, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT-533101.

...RESPONDENT(S):

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 order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.2 to 5 in seizing the two boats associated with Sri Vaarahi All Caste Stone Boats Men Labour Society of the 1st Petitioner and one boat associated with Sri Balaji Stone and Boats Men Labour Society of the 2nd Petitioner in connection with FIR No.75 of 2026 without following the procedure known to the law under APMMC Rules, 1966 as illegal, irregular, arbitrary and contrary to the procedure established by law and against to the principles of natural justice and violative of fundamental rights guaranteed under Articles 14, 21 and 19(1)(g) of the Constitution of India and consequently direct the respondents to release the above said boats of the Petitioners forthwith in the interest of justice and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to release the two boats associated with Sri Vaarahi All Caste Stone Boats Men Labour Society of the 1st Petitioner and one boat associated with Sri Balaji Stone and Boats Men Labour Society of the 2nd Petitioner pending disposal of the above writ petition in the interest of justice and pass

Counsel for the Petitioner(S):

1. B JAYA PRABHAKARA RAO

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE
3. GP FOR IRRIGATION AND CAD
4. GP FOR MINES AND GEOLOGY

The Court made the following:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO: 4573/2026****ORDER:-**

The instant writ petition has been filed by the petitioner under Article 226 of Constitution of India seeking the following main prayer:

“to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.2 to 5 in seizing the two boats associated with Sri Vaarahi All Caste Stone Boats Men Labour Society of the 1st Petitioner and one boat associated with Sri Balaji Stone and Boats Men Labour Society of the 2nd Petitioner in connection with FIR No.75 of 2026 without following the procedure known to the law under APMMC Rules 1966 as illegal irregular arbitrary and contrary to the procedure established by law and against to the principles of natural justice and violative of fundamental rights guaranteed under Articles 14 21 and 191g of the Constitution of India and consequently direct the respondents to release the above said boats of the Petitioners forthwith in the interest of justice and pass”

2. Heard Sri B.Jaya Prabhakara Rao, learned counsel for the petitioners and Smt. Sudeepthi Potluri, learned Assistant Government Pleader for Mines and Geology appearing for the respondents. With the consent of both the learned counsel, the writ petition is disposed of at the stage of admission.

3. It is contended that when the petitioners subject boats were tied with poles at de-siltation Reach, Katheru Sand Ramp, Rajamahendravaram,

basing on the complaint of the Irrigation Conversion Assistant, AGRB Junction, Irrigation Department, Rajamahendravaram.

4. The petitioners relying on the decision of the Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs state of Gujarat***¹ contends that pending investigation, the vehicles should not be subjected to adverse weather conditions which would damage the boats and its functionality, thus prays for release of the boats. The petitioners further relies on G.O.Ms.No.100 dated 26.06.2025.

5. It is contended on behalf of the respondents that owing to the cultural and religious importance of the river Godavari, people take bath in the river during auspicious seasons and the indiscriminate dredging by using the dredging boats cause threat to the lives of the people apart from causing a disturbance to the river flow. The use of mechanical dredging boats for such operations has been explicitly prohibited. It is further contended that the actions of the petitioners, who were found to be excavating sand using mechanical dredging boats, constitute a flagrant violation of the environmental regulations in the said regard. And the same are contended to be in violation of the orders passed by this Court in W.P.(PIL) No.8 of 2024, thus prayed to dismiss the Writ Petition.

6. Considered the rival submissions.

¹ AIR 2003 SC 638

7. Having regard to the submissions made by the learned counsel for the petitioners that the petitioners would be deprived of earnings from the subject boats and which are their livelihood, if the boats are retained indefinitely, and the same would be damaged and considering the submissions made on behalf of the respondents, this Court deems it appropriate to dispose of the Writ Petition with the following directions:

a. The respondent authorities shall release the subject boats upon each of the petitioner, depositing a sum of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand only) each in favour of the 5th respondent, pending proceedings that may have already been initiated or that are contemplated against the petitioners, on the subject issue.

b. The petitioners are further directed to furnish/submit authenticated photographs with the aid of GPS mode to establish the identity and nature of the boats before the concerned authority.

c. The said deposit will be subject to the outcome of the proceedings that may have already been initiated or that are contemplated against the petitioners, on the subject issue.

d. The petitioners shall also furnish an undertaking to the 5th respondent that they will not engage themselves in any of the unauthorized dredging activity, pending further investigation on the issue.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, all pending applications shall stand closed.

Date: 17.02.2026
S D P

JUSTICE MAHESWARA RAO KUNCHEAM

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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17.02.2026

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