

[3572]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SEVENTEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY SIX

:PRESENT:

HONOURABLE SRI JUSTICE RAVI NATH TILHARI

AND

HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 7079 OF 2026



Between:

M/S Siva Sai Constructions, Kutagulla, Kadiri Rep. by its Managing Partner K.V.Sai Praneeth Reddy, S/o.K.V.Ramesh Reddy, Aged about 41 years, having its Office at Kutugaula Village, Kutagulla, Kadiri Mandal, Satya Sai District

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Environment Forest Science and Technology Department, Secretariat Buildings, Velagapudi, Guntur District. 522238
2. The Andhra Pradesh Pollution Control Board, Dr.Y.S.ParyavaranBhavan, APIIC Colony Road, Gurunanak Colony, Vijayawada, rep., by its Chairman. 520001
3. The Joint Chief Environmental Engineer, Kumool Zone, Andhra Pradesh Pollution Control Board Zonal Office, Kumool. 518001
4. The Environmental Engineer, Ananthpur Region, Andhra Pradesh Pollution Control Board Regional Office Ananthapur. 515001

Respondent

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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents

issuing condition.No.1 in Schedule B in Consent Order.No. ATP-1183/PCB/ZO/KNL/CTO/2025 dated 25.02.2026 directing the petitioner to obtain extension revocation of closure order dated 26.01.2024 without which the crushing unit shall not restart its operations at Sy.No.436, 436-B, 440, 440-7B, 447, 805-3, 805-3B, 813, 813-B, 814, 814-B, Kutagulla Village, Kadiri Mandal, Sri Satya Sai District, eventhough the said closure order has been set aside by this Honble Court vide order dated 31.01.2024 in W.P.No.2154 of 2024 as arbitrary, illegal, colorable exercise of power and contrary to the well established legal principles and apart from being violative of the Fundamental and Constitutional Rights guaranteed under Articles 14,- 19, 21 and 300-A of the Constitution of India and consequently set aside the condition.No.I in Schedule B in Consent Order.No. ATP-1183/PCB/ZO/KNL/CTO/2025 dated 25.02.2026.

IA NO: 1 OF 2026

Petition under Section 151 CPC is filed 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 not to insist for extension of closure order dated 26.01.2026 for restarting its operation of its stone crushing unit at Sy.No.436, 436-B, 440, 440-7B, 447, 805-3, 805-3B, 813, 813-B, 814, 814-B95 Kutagulla Village, Kadiri Mandal, Sri Satya Sai District, by suspending the the condition.No.1 Schedule B in Consent Order. No. ATP-in 1183/PCB/ZO/KNL/CTO/2025 dated 25.02.2026, pending disposal of the Writ Petition, Pending disposal of WP 7079 of 2026, on the file of the High Court.

The petition/Appeal coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of B.ABHAY SIDDHANTH MOOTHA Advocate for the Petitioner, GP FOR FORESTS Advocate for the Respondent No.1, Sri B.V.Rama Rao, Standing Counsel for AP Pollution Control Board for Respondent Nos.2 to 4, and the Court made the following.

ORDER

The writ petitioner challenges Condition No.1 in Schedule B of Consent To Operate Order No.ATP-1183/PCB/ZO/KNL/CTO/2025, dated 25.02.2026 (CTO) passed by the 3rd respondent-the Joint Chief Environmental Engineer, Kurnool Zone, Kurnool, which reads as follows:

"The stone crushing unit shall obtain revocation of closure order from the Board. The stone crushing unit shall not restart the operations without obtaining Extension for the Revocation of Closure Orders issued by the Board, vide order dated: 26.01.2024."

2. Learned counsel for the petitioner submits that the said condition is not capable of being complied with, and imposition of the said condition renders the CTO itself ineffective, submits that the closure order dated 26.01.2024, referred to in Condition No.1 had already been quashed by this Court in Writ Petition No.2154 of 2024, vide order dated 31.01.2024, the relevant portion of which in paragraph No.9 reads as follows:

"For the aforesaid reasons, the Writ Petition is allowed, setting aside the impugned Order bearing No.ATP-1183/PCB/ZO/KNL/ 2024, dated 26.01.2024, passed by the respondent No.2-Joint Chief Environmental Engineer (FAC), APPCB, Zonal Office, Kurnool, and the matter is remanded to the 2nd respondent for fresh consideration of the issue and for passing appropriate orders, strictly in accordance with law, after taking into consideration the explanation/reply submitted by the petitioner and also after giving the opportunity of hearing to the petitioner. No order as to costs."

3. He submits that subsequent to the order in W.P. No.2154 of 2024, when a fresh closure order was passed on 28.01.2026, the same was challenged in W.P. No.1849 of 2026, in which an interim order dated 22.01.2026 was granted, which read as follows:

"11. Prima-facie the submissions advanced by the learned counsel for the petitioner cannot be said to be without substance. Learned counsel for the respondent at this stage could not show consideration of the petitioner's reply in terms of the direction

issued in W.P.No.2154 of 2024; nor of the letter dated 23.12.2025 of the alleged compliance with the terms & conditions of the CTO dated 16.08.2025. Any justification for the ground No.2 could also not be shown at this stage, when the order of closure had already been set aside by this Court in W.P.No.2154 of 2024.

12. Consequently, case for grant of interim order is made out.

13. The operation of impugned order dated 08.01.2026 shall remain stayed. However, the petitioner will not be permitted to operate without valid CTO and without making compliance of the conditions of a valid CTO, if any, till the next date of listing.

14. The competent authority shall also consider the application for grant/renewal of CTO, if the application is pending and if there is no other legal impediment.

15. Post on 12.02.2026.”

4. He submits that, while passing the CTO dated 25.02.2026, the authority has passed the order violating of the orders of this Court, without application of mind.

5. Sri Burlu Chandra Sekhar, learned counsel representing Sri Yelisetti Soma Raju, learned Standing Counsel for respondent Nos.2 to 4, submits that, vide judgment of this Court in W.P.No.2154 of 2024, liberty was granted to pass fresh orders. The exercise was undertaken, and the matter was reconsidered. An order (P1) was passed temporarily revoking the closure order dated 26.01.2024 for a period of six months (P1).

6. A perusal of the order (P1) shows that the very same closure order dated 26.01.2024, which had already been set aside by this Court, has been revoked temporarily for a period of six months by the authorities.

7. We are of the view prima-facie that once the closure order dated 26.01.2024 had been set aside, where was the occasion for the authorities to pass an order revoking the same closure order temporarily for some period. The remand vide order dated 31.01.2024 was not in respect of the closure order dated 26.01.2024, but was to pass a fresh order, after

affording an opportunity of hearing, in terms of the directions issued by this Court.

8. Prima-facie, we are satisfied that the imposition of Condition No.1 relating to closure order dated 26.01.2024 in Schedule B cannot be sustained. It appears that the said condition has been imposed without considering the orders passed by this Court in the aforesaid two writ petitions in correct perspective.

9. List on 07.04.2026.

10. Let an personal affidavit be filed by the 3rd respondent explaining the justification for imposition of Condition No.1 in Schedule B before the date fixed.

11. If such an affidavit is not filed within the stipulated time, the 3rd respondent shall appear personally before this Court to explain.

12. The operation of Condition No.1 in Schedule B of Consent To Operate Order No.ATP1183/PCB/ZO/KNL/CTO/2025, dated 25.02.2026 (CTO), shall remain in abeyance till the next date of listing." T |

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SD/-B.CHITTI JOSEPH
DEPUTY REGISTRAR
NB
SECTION OFFICER

To,

1. The Principal Secretary, Environment Forest Science and Technology Department, Secretariat Buildings, Velagapudi, Guntur District. 522238
2. The Andhra Pradesh Pollution Control Board, Dr.Y.S.ParyavaranBhavan, APIIC Colony Road, Gurunanak Colony, Vijayawada, rep., by its Chairman. 520001
3. The Joint Chief Environmental Engineer, Kumool Zone, Andhra Pradesh Pollution Control Board Zonal Office, Kurnool - 518001 4.
4. The Environmental Engineer, Ananthpur Region, Andhra Pradesh Pollution Control Board Regional Office Ananthapur. 515001 (by RPAD 1 to 4)

5. One CC to SRI. B.ABHAY SIDDHANTH MOOTHA Advocate [OPUC]
6. Two CCs to GP FOR FORESTS ,High Court Of Andhra Pradesh. [OUT]
7. One CC to Sri B.V.Rama Rao, Standing Counsel for AP Pollution Control Board, High Court Of Andhra Pradesh. [OUT]
- 7. One spare copy**

HIGH COURT

RNT,J

&

BM,J

DATED:17/03/2026

LIST ON 07.04.2026

ORDER

WP.No.7079 of 2026

DIRECTION

