



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

[3311]

Monday, the Twentieth day of April, Two Thousand and twenty six

Present

The Honourable Ms. Justice B.S.Bhanumathi

Writ Petition No. 8141 of 2026

Between:

1.B.Hemalatha, D/o.Venkateswara Rao, Aged About 42 Years,
Occupation: License, R/o. D.No.9/380-2, Balaramunipeta,
Machilipatnam Mandal, Krishna District.

...Petitioner

and

- 1.The State of Andhra Pradesh, represented by its Principal Secretary (Environment, Forests, Science & Technology Department), Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh-522238.
- 2.The Divisional Forest Officer, N.T.R. Division (N.T.R. District), Vijayawada, N.T.R. District, Andhra Pradesh – 520012.
- 3.The Deputy Range Officer, Forest Department, Kanchikacherla Section of Vijayawada Range, N.T.R. Division, Vijayawada, N.T.R.District, Andhra Pradesh. – 520012.
- 4.The Forest Range Officer, Vijayawada, N.T.R. District, Andhra Pradesh – 520012.

...Respondents

Counsel for the petitioner:

1.Tata Singaiah Goud

Counsel for the respondents:

1.Government Pleader for Forests.

The Court made the following Order:

This writ petition is filed under Article 226 of the Constitution of India to issue a writ or order or direction, more particularly one in the nature of writ of mandamus, declaring action of the respondents more particularly Nos.3 to 4 in preventing to undertake to excavate the black metal / road metal and gravel by the petitioner even though there is a permission vide proceeding No. 1742 / Q / 2025, dated. 28.01.2026 to an extent of 05 hectares situated in Sy. No. 801 of Paritala Village, Kanchikacherla Mandal, N.T.R. District without notice is illegal, arbitrary, violation of Articles 14, 19(g) 301 of the Constitution of India and consequently direct the respondents Nos.3 to 4 not to interfere with the excavation operations by the petitioner in Sy. No 801 of Paritala village Kanchikacherla mandal, N.T.R. District with following due process of law, and pass such other order or orders which this Court deems fit in the interest of justice.

02. The case of the petitioner, briefly stated, is as follows:-

The petitioner, B.Hemalatha D/o.Venkateswara Rao, was accorded permission for excavation of minerals i.e., road metal and gravel in an extent of 05 hectares in survey No. 801 of Paritala village, Kanchikacherla Mandal and vide proceedings No. 1742 / Q / 2025, dated 28.01.2026 under an agreement of lease with N. T. R. District Mines & Geology officer on 28.01.2026 for a period of 10 years i.e., from 01.04.2023 to 31.03.2033. The petitioner also applied for environmental clearance on 06.10.2020. It was permitted for the period corresponding to the period of mining lease. The petitioner proposed to enter into M.O.U. with L & T for supply of 30 lakh cubic meters of road metal and gravel for development of capital city and also with Navayuga, and road Adani, J.V. for supply of road metal and gravel for laying flyover from Guntupalli to capital city. However, the respondent authorities are interfering with the mining operations of the petitioner stating that the road is

within the area reserved for forest. In fact, in the mining plan, the road was shown for transportation of the mineral. This road was in existence for past several years. All the quarry operators utilised the same road. In the year 2025, the Director, Mines & Geology also addressed a letter for issuance of clearance certificate for grant of quarry lease in the proposed forest area as the requirement of road metal and gravel was increased. All the lease holders are utilising the said road. But, the respondents are obstructing the petitioner illegally and high handedly. In the year 2021, a representation was given on 15.11.2021 to the Principal Chief Conservator, Guntur for transportation of material through the neighbouring quarry and road which is already in existence for over 50 years, considering G.O.Ms. No. 54, dated 17.05.2018. Without considering the representation, the forest officials are orally objecting the quarry operations and passing of vehicles on the said road. The petitioner has already paid huge amount of Rs.2 crores towards royalty to the Government. The illegal obstruction by the authorities is causing loss to the petitioner. Hence, this writ petition was filed.

03. The written instructions of District Forest Officer, N.T.R. Division, Vijayawada dated 24.03.2026, which are elaborated in the written instructions dated 31.03.2026, stated that the Navepothavaram Forest block is in R.S. No. 801 of Paritala village, Kanchikacherla mandal and that the petitioner had applied to the Principal Chief Conservator of Forests, Andhra Pradesh, Guntur seeking diversion of 0.35 hectares forest land for purpose of road for plying quarry vehicles as there was no other alternative way, except through the proposed forest land. Subsequently, the Principal Chief Conservator of Forests, Andhra Pradesh, Guntur vide letter dated 14.12.2021 had called for certain information about the proposed diversion of the land, by marking a copy to the petitioner and accordingly, instructions were issued to the Forest Range Officer, Vijayawada vide proceeding Rc. No. 1224 / 2021 / TO, dated 18.12.2021, for which the Forest Range Officer, Vijayawada replied that the petitioner had not approached the office of Forest Range Officer and

therefore, without providing any alternative land for diversion in the field, it is not possible to submit complete report for diversion of the land. The written instructions further stated that the petitioner can be permitted to transport the gravel through the notified forest land only after obtaining necessary order from the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980) (A.P.Forest Conservation Act, 1980) (in short Adhiniyam,1980) and that for such purpose, as the information was sought by the petitioner from the Principal Chief Conservator of Forests, Andhra Pradesh, Guntur. Further, it is stated that the petitioner had not mentioned the details of the road earlier utilised. Finally, it is stated that the respondent did not prevent the petitioner from excavating material in the land in R.S. No. 801 of Paritala village, Kanchikacherla mandal and that they have objection for plying vehicles through the road running across the adjacent land in R.S. No.84 and 85 which is notified as forest land.

04. Ms.B.Sravani, the learned Assistant Government Pleader for Forests, placed on record latest written instructions of District Forest Officer, N.T.R. Division, Vijayawada dated 17.04.2026 vide Rc.No.832 / 2026 / TO wherein, while denying that the respondents are objecting utilisation of the road which is in existence for 50 years, it is stated that no quarry operator including the petitioner is allowed to utilise the road so far and that the petitioner might have utilised any other alternative road for transportation of material of mining in the past and the same road may be used by the petitioner, now as well. A permission is obtained under section 2 of the Adhiniyam, 1980. It is earlier stated that there are other alternative roads available in R.S. No. 801 of Paritala village, Kanchikacherla mandal as huge mining operations were done and as such they were transporting mining material to C.R.D.A. areas presently and therefore, the petitioner may also use the same road. Further, it is mentioned that the District Collector, N.T.R. District, Vijayawada vide letter dated 19.12.2025 stated that the land belongs to the revenue department as per the revenue records of the Navepothavaram village, thereby to remove the encroachment in R.S.No.84 and 85 and permit vehicles through R.S.No.84

and 85 of Navepothavaram village as per rules, the material is used for development of capital region. Further, the written instructions, to the effect that even if the land is in dispute between revenue department and forest department, unless necessary permission is secured under Section 2 of the Adhiniyam, 1980, the petitioner cannot be allowed to use the road since the notification under Section 4 of the Andhra Pradesh Forest Act, 1967 was issued on 09.07.1970 proposing preservation of the Forest in Navepothavaram forest block and accordingly, the District Forest Officer, N.T.R. Division, Vijayawada addressed a letter dated 19.01.2026 to the District Collector, N.T.R. District to re-verify the order dated 19.12.2025 as per law, including order in W.P. No. 26471 of 1996 and W.A. No. 1324 of 1997 of this High Court and order dated 12.12.1996 in W.P. (C). No.202 of 1995.

05. In view of the written instructions stating that the respondents have no objection for mining operations, except for use of road, the writ petition may be disposed of restraining the respondents from interfering with the mining operations of the petitioner, giving liberty to the petitioner to pursue the steps for obtaining necessary permission under the Adhiniyam, 1980.

06. The learned Assistant Government Pleader for Forests submitted that, infact, there is no objection for carrying out excavation work in the land under lease, but the road passing through the proposed forest land cannot be used in any manner without necessary permission under law.

07. Considering the submissions on both the sides, without going into the merits of the case, keeping in view that there is no objection for carrying out mining operations, this writ petition is disposed of recording that the respondents have no objection for carrying out mining operations by the petitioner in the land covered by the agreement of the lease in favour of the petitioner, but that the petitioner cannot make use of the road passing through land in R.S. Nos. 84, 85 of Navepothavaram village, except under proper permission, if any granted as per law by the concerned authorities. It is made

clear that, like any other mining operator, the petitioner may use any other way even for carrying out excavation work, but till necessary permission is secured, the road passing through proposed forest land cannot be used.

There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE B.S. BHANUMATHI

Date: 20.04.2026.

Note: **CC by 22.04.2026**

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THE HONOURABLE MS JUSTICE B S BHANUMATHI**WRIT PETITION NO:8141 of 2026**

Date: 20.04.2026.
Note: **CC by 22.04.2026**
B/O
GRL

