

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

[3206]

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF MAY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO



WRIT PETITION NO: 12901 OF 2022

Between:

1. M.Venkateshwarlu, S/o Balarangaiah Aged about 43yrs,
2. P.Chinna Narasimhudu, S/o Chinna Hanumanthu Aged about 35yrs
3. Abbireddy Nageshwar Reddy, S/o Siva Reddy Aged about 36yrs

All are Occ- Agriculture R/o Boilakuntla village, Sirvel Mandal, Nandyal District

Petitioners

AND

1. The State of Andhra Pradesh, Rept. by Principal Secretary, Industries and Commerce Department Secretariat, Velagapudi Guntur District
2. The Deputy Director of Mines Kurnool, Kurnool District
3. The Assistant Director of Mines Nandyal, Nandyal District
4. The Boilakuntla Grampanchayat Boilakuntla village, Sirvel Mandal, Rept. by its Panchayat Secretary
5. The Executive Engineer Minor Irrigation Nandyal, Nandyal District
6. The Deputy Executive Engineer Minor Irrigation Department, Nandyal, Nandyal District
7. The District Collector Nandyal, Nandyal District
8. The Tahsildar, Sirvel mandal Nandyal District
9. The Superintendent of Police Nandyal, Nandyal District
10. The Station House Officer, Sirvel Police Station Sirvel, Nandyal District
11. The Station House Officer, Mahanandi Police Station Mahanandi, Nandyal District
12. Zinkala Naganna, Boilakuntla village, Sirvel mandal, Nandyal District

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, order or direction more particularly one in the nature of writ of Mandamus to declare the delay and inaction on the part of respondent Nos.2 to 11 in initiating necessary action against respondent No.12 and others for committing illegal mining, theft of soil and selling the same to the Brick Industries without obtaining any prior permission as arbitrary, illegal and consequently direct the respondent Nos. 2 to 11 to initiate action against respondent No.12 and others immediately for committing the illegal mining, theft of red soil from Rangaraja Cheruvu, Boilakuntla village, Sirvel mandal, Nandyal District and selling the same to the Brick Industries in the interest of justice.

IA NO: 1 OF 2022

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 respondent Nos. 2 to 11 to initiate action against respondent No.12 and others immediately for committing the illegal mining, theft of red soil from Rangaraja Cheruvu, Boilakuntla village, Sirvel mandal, Nandyal District and selling the same to the Brick Industries, pending disposal of the Writ Petition No.12901 of 2022, 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.P.NAGENDRA REDDY Advocate for the Petitioners, learned Government Pleader for Mines & Geology for Respondent Nos.1 to 3, Sri.V.Vinod K.Reddy, learned Standing Counsel for Respondent No.4, learned Government Pleader for Irrigation for Respondent Nos.5 & 6, learned Government Pleader for Revenue for Respondent Nos.7 & 8, learned Government Pleader for Home for Respondent Nos.9 to 11, the Court made the following.

ORDER:

The learned Government Pleader for Mines & Geology, on instructions, submits that an inspection has been carried on 26.04.2022 and a show-cause notice was already issued in this regard to the 12th respondent.

The learned Government Pleader for Irrigation has produced instructions of the Deputy Executive Engineer, S.I. Sub Division, Nandyal, which states that about 7,000 cubic meters of silt sand was removed from the tank bed of Rangaraju Cheruvu in the year 2021 and no permission of any nature given in the year 2022 to lift silt sand from the Rangaraju Cheruvu.

Post on 15.06.2022.

In the meanwhile, the Assistant Director, Boyalakuntla shall take necessary action pursuant to the show-cause notice issued to the 12th respondent and file a report of the action taken, by the next date of hearing.

//TRUE COPY//

For A

SD/- B.PRASAD RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Industries and Commerce Department, State of Andhra Pradesh, Secretariat, Velagapudi Guntur District
2. The Deputy Director of Mines Kurnool, Kurnool District
3. The Assistant Director of Mines Nandyal, Nandyal District
4. The Panchayat Secretary, Boilakuntla Grampanchayat Boilakuntla village, Sirvel Mandal, Nandyal District.
5. The Executive Engineer Minor Irrigation Nandyal, Nandyal District
6. The Deputy Executive Engineer Minor Irrigation Department Nandyal, Nandyal District
7. The District Collector Nandyal, Nandyal District
8. The Tahsildar, Sirvel Mandal, Nandyal District
9. The Superintendent of Police Nandyal, Nandyal District
10. The Station House Officer, Sirvel Police Station, Sirvel, Nandyal District
11. The Station House Officer, Mahanandi Police Station, Mahanandi, Nandyal District
12. Zinkala Naganna, Boilakuntla village, Sirvel mandal, Nandyal District (1 to 12 by RPAD)
13. One CC to SRI.P.NAGENDRA REDDY Advocate [OPUC]
14. One CC to Sri.V.Vinod.K.Reddy, Standing Counsel [OPUC]
15. Two CCs to GP for Mines & Geology, High Court Of Andhra Pradesh. [OUT]
16. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
17. Two CCs to GP for Home, High Court Of Andhra Pradesh. [OUT]
18. Two CCs to GP for Irrigation & CAD, High Court Of Andhra Pradesh. [OUT]
19. One spare copy

HIGH COURT

RRRJ

DATED:02/05/2022

NOTE: POST ON 15.06.2022

ORDER

WP.No.12901 of 2022

DIRECTION

