

APHC010215912022



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

[3504]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

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

WRIT PETITION NO: 12901/2022

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 BOILAKUNTALA VILLAGE, SIRVEL MANDAL NANDYAL DISTRICT

...PETITIONER(S)

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 BOILAKUNTALA GRAMPANCHAYAT BOILAKUNTALA 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 BOILAKUNTALA VILLAGE, SIRVEL MANDAL, NANDYAL DISTRICT

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. P NAGENDRA REDDY

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE
3. GP FOR IRRIGATION COMM AREA DEV
4. GP FOR MINES AND GEOLOGY

The Court made the following:

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO: 12901/2022****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 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”

2. Heard Sri B. Partha Saradhi Reddy, learned counsel representing Sri P.Nagendra Reddy, learned counsel for the petitioners; Sri M. Ratna Kumar, learned Assistant Government Pleader for Irrigation appearing for respondent Nos. 5 and 6; and Ms. M. Anusha, learned Assistant Government Pleader for Mines and Geology.

3. The learned counsel for the petitioners submits that the petitioners are agriculturists hailing from Boilakuntla Village, erstwhile Kurnool District. It is

contended that the 12th respondent has been carrying on illegal mining activities, including theft of soil and other illegal acts, which were brought to the notice of the authorities. However, no action has been taken by the authorities. Hence, the present writ petition has been instituted.

4. The learned Government Pleaders for respondent Nos.3 and 8 have filed their respective counters, *inter alia*, mainly denying the averments made in the writ affidavit. However, the learned Assistant Government Pleader for Mines and Geology has forwarded the written instructions dated 18.02.2026 from the office of the District Mines and Geology Officer, Nandyal. The said instructions indicated that the Mining Authorities have initiated appropriate steps, including the issuance of a demand notice against the 12th respondent. By way of Demand Notice No.2986/Gravel-Stock/2022, dated 08.06.2022, the Authorities directed the 12th respondent to pay a penalty as per G.O.Ms. No. 35, Industries & Commerce, dated 01.07.2020, under Sub-rule (1) of Rule 26(3)(ii) of the APMMC Rules, 1966. Consequently, the 12th respondent has paid the penalty. The learned Assistant Government Pleader further submits that, challenging the said demand notice dated 08.06.2022, the 12th respondent has filed an appeal before the Director of Mines and Geology, Ibrahimpatnam, and the same is pending

5. Taking into consideration the above submissions of the respective counsel, particularly in view of the fact that the petitioners' grievance has been

addressed to some extent by initiation of legal action and issuance of a demand notice against the 12th respondent, and as the matter is now pending before the Director of Mines and Geology, Ibrahimpatnam in appeal, this Court deems it appropriate to dispose of the present writ petition by recording the said submissions.

6. Accordingly, the writ petition is disposed of. However, the Director of Mines and Geology, Ibrahimpatnam is directed to dispose of the said appeal by passing a speaking order, as expeditiously as possible, preferably within a period of six (6) months from the date of receipt of a copy of this order, in accordance with law, after giving notice to the petitioners herein. There shall be no order as to costs.

As a sequel, all pending applications shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 18.02.2026
S D P

286

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 12901/2022

18.02.2026

W

S D P