

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE ELEVENTH DAY OF JUNE,
TWO THOUSAND AND TWENTY SIX



:PRESENT:
THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 15290 OF 2026

Between:

M/s Jaiprakash Power Ventures Limited, Having its registered office at Complex of Jaypee Nigrie Super Thermal Power Plant, Tehsil Sara, Nigrie, Singrauli, Madhya Pradesh – 486669, Rep by its President (F&A) and Chief Financial Officer, Mr. Ram Kumar porwal

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Mines and Geology Department, A.P. Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner and Director of Mines & Geology, Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh-521456
3. The Divisional Mines and Geology Officer, D.No. 16/612, 2nd floor, Gandhi Road, Sree Rama Complex, Madanapalle, Annamayya District-517325, Andhra Pradesh.
4. The Collector and District Magistrate, District Collector Office, Rayachoti, Annamayya District, Andhra Pradesh.

Respondents

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 a writ, order, or direction, particularly in the nature of a writ of Mandamus, declaring Demand Notice No.728/Sand-APSAC/2025-11, dated 27 May 2026 issued by Respondent No.3, the Divisional Mines and Geology Officer, Annamayya District, as lacking power or authority and in violation of the Mines and Minerals (Development & Regulation) Act, 1957, the A.P. Minor Mineral Concession Rules, 1966, and the terms and conditions of the Lease Agreement dated 3 May 2021, in breach of the principles of natural justice, and consequently set aside the impugned Demand Notice;

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 grant a stay on all further proceedings related to Demand Notice No. 728/Sand- APSAC/2025-11, dated 27 May 2026, issued by Respondent No.3, the Divisional Mines and Geology Officer, Annamayya District pending disposal of the above writ petition. It is also prayed that this Hon'ble Court may pass such orders as it may consider appropriate, as the Petitioner has a strong prima facie case, balance of convenience lies in favour of the Petitioner and against the Respondents, and the Petitioner will suffer irreparable injury if the impugned Demand Notice is not stayed.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. C SUMON, Advocate for the Petitioner and of GP FOR MINES AND GEOLOGY for the Respondent Nos.1 to 3 and of GP FOR REVENUE, for the Respondent No.4;

The Court made the following ORDER:

Heard Sri C.V.Mohan Reddy, learned Senior counsel assisted by Sri C.Sumon, learned counsel for the petitioner, learned Assistant Government Pleader for Mines and Geology for the respondents 1 to 3

and Sri M.Chandra Shekar, learned Assistant Government Pleader for Revenue for the 4th respondent.

Assailing the demand notice vide Notice No.728/Sand-APSAC/2025-11 dated 27.05.2026 (Ex.P2), issued by the 3rd respondent, the above writ petition was filed.

Learned Senior counsel would submit that the 3rd respondent lacks jurisdiction to issue Ex.P2. He would further submit that, along with the show cause notice vide No.728/Sand-APSAC/2025-11 dated 02.08.2025 (Ex.P4), all the relevant documents were not furnished to the petitioner. The explanation/reply dated 05.06.2026 (Ex.P3) submitted by the petitioner was not properly considered. Learned Senior counsel would also submit that no opportunity of hearing was provided to the petitioner.

Learned Government pleader, on the other hand, supported the order passed by the 3rd respondent.

Thus, as seen from the material available on record, the 3rd respondent issued a show cause notice dated 02.08.2025 (Ex.P4) to the petitioner. The petitioner submitted an explanation/reply dated 05.06.2026 (Ex.P3). In the explanation/reply, the petitioner specifically questioned the jurisdiction of the 3rd respondent. The petitioner also pleaded non-furnishing of the relevant documents.

As seen from the proceedings impugned, an opportunity of hearing was not provided to the petitioner. The Hon'ble Apex Court, in *Mangilal v. State of Madhya Pradesh*¹, observed that the opportunity of being heard is a fundamental Principle of Natural Justice and cannot be denied, even in cases where a statute or set of rules does not explicitly provide for it.

The APSAC Report and the Joint Inspection Report, which constitute the basis for issuance of the notice, have not been furnished to the petitioner, enabling the petitioner to submit a proper explanation.

¹ (2004) 1 SCC 447

Whether the 3rd respondent had the jurisdiction requires consideration?

The petitioner has, therefore, made out a *prima facie* case for the grant of an interim order. ✓

It is also brought to the notice of this Court that writ petitions wherein identical issues were raised are pending consideration before the Division Bench and that a batch of writ petitions involving similar questions is also pending. ✓

Given the facts and circumstances of the case, there shall be a stay of all further proceedings pursuant to the demand notice *vide* Notice No.728/Sand-APSAC/2025-11 dated 27.05.2026 (Ex.P2).

List the matter along with W.P.No.23769 of 2024 and batch.

//TRUE COPY//

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Mines and Geology Department, The State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati, Guntur District. (by SPECIAL MESSENGER)
2. The Commissioner and Director of Mines & Geology, Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh-521456
3. The Divisional Mines and Geology Officer, D.No. 16/612, 2nd floor, Gandhi Road, Sree Rama Complex, Madanapalle, Annamayya District-517325, Andhra Pradesh.
4. The Collector and District Magistrate, District Collector Office, Rayachoti, Annamayya District, Andhra Pradesh. (Addressee Nos. 2 to 4 BY RPAD)
5. One CC to Sri. C SUMON, Advocate [OPUC]

6. Two CCs to GP FOR MINES AND GEOLOGY, High Court Of Andhra Pradesh. [OUT]

7. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]

8. One spare copy

JSS

HIGH COURT

SRS, J

DATED:11/06/2026

LIST THE MATTER ALONG WITH W.P.NO.23769 OF 2024 AND BATCH.

ORDER

WP.No.15290 of 2026

STAY

