

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO

IA NO.1 OF 2024

IN

WP NO: 14786 OF 2024



Between:

M/s. Vijaya Durga Adivasi Isuka Quarry Girijana Society, Rep. by its
President Thursam Naresh Ganapavaram Village, Kukkunuru Mandal,
Eluru District.

... Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary Mines and
Geology Department, Secretariate, Velagapudi, Guntur District.
2. Director of Mines and Geology, State of Andhra Pradesh, Vijayawada.
3. District Mines and Geology Officer, Elurur, Eluru District Erstwhile West
Godavari District.
4. Assistant Director, Mines and Geology, Eluru District.
5. The District Collector, Eluru District at Eluru.
6. The Tahsildar, Kukunuru Mandal, Eluru District.

... Respondents

Counsel for the Petitioner : SRI V V SATISH

Counsel for the Respondent Nos.1 to 4 :GP FOR MINES AND

GEOLOGY

Counsel for the Respondent Nos.5 & 6 : GP FOR REVENUE

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 conduct sale operations at petitioners stock point situated at Ibrahimpetta, Eluru District, Pending disposal of WP No. 14786 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following

ORDER

“Heard Mr.V.V.Satish, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue and also learned Government Pleader for Mines and Geology.

Learned counsel for the petitioner submits that the respondents are highhandedly taken over the sand stock of the petitioner without recording any particulars and selling the sand at their whims and not paying any amount towards its operation charges, which is illegal and arbitrary. Learned counsel for the petitioner has also furnished a copy of written instructions before this Court.

On a perusal of the written instructions, it appears that, the petitioner has submitted a representation dated 02.05.2024 to the District Mines and Geology Officer, Ibrahimpatnam, and requested to issue permission for sale of sand regarding Ibrahimpetta Open Sand Reach stock yard for quantity of 25,000 Cum. Thereafter, the Special Chief Secretary to Government (Mines) vide No.INCO1-MGOSAND/3/2024-M-III, dated 17.05.2024, has directed to all the Collector & District Magistrates in the State to conduct joint inspection in open sand reaches in the jurisdiction of concerned districts with all the DLSC Members and the District Level Officer of Special Enforcement Bureau (SEB). In pursuance of the same, the Collector & Chairman of District Level Sand Committee,

Eluru District along with District level Sand Committee members and the District Level Officer of Special Enforcement Bureau (SEB) have conducted joint inspection on 20.05.2024 and during the said inspection, the DLSC, the Joint Inspector Members have observed that, sand stocks were available at Ibrahimpet-Ganapavaram stock point in Ibrahimpet-Ganapavaram village, Kukunoor Mandal, Eluru District, and directed District mines and Geology Officer, Eluru to estimate the sand stocks available in depot and to issue notice to submit documentary evidence for available quantity of sand stock. In this regard, the Surveyor, O/o the DM&GO, Eluru has surveyed and reported that, at the time of inspection, no person available at Ibrahimpet- Ganapavaram Depot and observed the sand heaps and measured available quantity at the Depot with the help of GPS instrument and arrived at total quantity available in stock depot as 63,484.01 Cum. Therefore, the office has issued notice to the petitioner vide Lr. No.2595/SAND/2019, dated 27.05.2024 with a direction to submit explanation and documentary evidence for stocking of sand for a 63,481.01 Cum available in Ibrahimpet-Ganapavaram stock point located at Ibrahimpet-Ganapavaram Village, Kukunoor Mandal, Eluru District. In pursuance of the same, the petitioner has submitted documentary evidence on 08.07.2024 and it is under process for verification.

Having regard to the facts and circumstances and on considering the submissions of learned counsel for the petitioner, prima facie, this Court is inclined to grant interim direction.

Accordingly, the respondents concerned are directed to maintain the registers with regard to sand stock and sale operations conducted by the respondents in respect of petitioner's stock point situated at Ibrahimpet, Eluru District,, till the disposal of the writ petition."

//TRUE COPY//

Sd/-K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Mines and Geology Department, State Of Andhra Pradesh, Secretariat, Velagapudi, Guntur District
2. Director of Mines and Geology, State of Andhra Pradesh, Vijayawada.
(1 & 2 by **Special Messenger**)
3. District Mines and Geology Officer, Elurur, Eluru District Erstwhile West Godavari District.
4. Assistant Director, Mines and Geology, Eluru District.
5. The District Collector, Eluru District at Eluru.
6. The Tahsildar, Kukunuru Mandal, Eluru District. (3 to 6 by **RPAD**)
7. One CC to SRI. V V SATISH Advocate [OPUC]
8. Two CCs to GP FOR MINES AND GEOLOGY ,High Court Of Andhra Pradesh. [OUT]
9. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh.[OUT]
10. **One spare copy**

ksr

HIGH COURT

Dr.KMR, J

DATED:16/07/2024

Post the matter on 06.08.2024.

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IN

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DIRECTION

