



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**



[3396]

SATURDAY, THE 19th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

IA No.2 OF 2026

IN

WRIT PETITION NO: 16820/2026

Between:

M/s Panyam Cements and Mineral Industries Limited, Having its registered Office at Cement Nagar Post, Bethamcherla Mandal, Nandyal District, AP - 518206 Represented by its Authorised Signatory Sri Chenna Reddy Sesha Reddy.

...Petitioner

AND

1. The Union of India, Represented by its Secretary, Ministry of Environment, Forest and Climate Change (MoEF and CC), Indira Paryavaran Bhawan, Jor Bagh Road Aliganj, New Delhi - 110 003.
2. The State of Andhra Pradesh, Represented by its Principal Secretary, Industries and Commerce (Mines.III) Department, Secretariat, Velagapudi, Amaravati, Guntur District Andhra Pradesh-522238.
3. The State of Andhra Pradesh, Represented by its Principal Secretary, Environment, Forests, Science and Technology Department Secretariat, Velagapudi, Amaravati-522238.
4. The Principal Chief Conservator of Forests and Head of Forest Force, Government of Andhra Pradesh, Aranya Bhavan, Vijayawada-520001, Andhra Pradesh.
5. The Conservator of Forests, Kurnool Circle, Kurnool-518001, Andhra Pradesh.
6. The Divisional Forest Officer, Nandyal Division, Nandyal District Andhra Pradesh-518501.

7. The Forest Range Officer FAC, Panyam Range, Panyam, Nandyal District, Andhra Pradesh-518501.
8. The District Forest Officer, Kurnool (T) Division, Kurnool-518001
9. The Director of Mines and Geology, Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh-521456
10. The District Mines and Geology officer, Nandyal District-518501
11. The Assistant Director of Mines and Geology, Banganapalle, Kurnool District-518214.
12. The District Forest Officer, Nandyal Division, Nandyal District, Andhra Pradesh 518501.

(R12 impleaded as per Courts Order Dt. 02.07.2026 in I. A. Nos. 04 of 2026 & 05 of 2026)

...Respondents

Petition under Section 151 of 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 Respondents to permit the Petitioner to access, operate, maintain and secure the infrastructure facilities situated in the 86.40 Acres of the Bugganipalli Beat notwithstanding the pendency of the Petitioner's PARIVESH Proposal No.FP/AP/MIN/QRY/462712/2024 dated 14.02.2024 and the Show Cause Notice dated 09.03.2026, pending disposal of WRIT PETITION 16820 of 2026, on the file of the High Court

Counsel for the Petitioner:

M/s CKR ASSOCIATES

Counsel for the

1. SRI JUPUDI V K YAGNADUTT(CENTRAL GOVERNMENT COUNSEL)
2. GP FOR FORESTS
3. GP FOR MINES AND GEOLOGY

The Court made the following

ORDER:

This application is preferred by the petitioner seeking a direction to permit the petitioner to access, operate, maintain and secure the existing infrastructure facilities situated in an extent of Ac.86.40 cents in the Bugganipalli Beat of the Panyam Reserve Forest, notwithstanding the pendency of the petitioner's Parivesh Proposal No.FP/AP/MIN/QRY/462712/2024, dated 14.02.2024 and the Show Cause Notice, dated 09.03.2026 in R.C.No.91/2023-24/FRO(P) issued by the respondents.

Learned Senior Counsel Sri O.Manohar Reddy, assisted by the learned counsel for the petitioner on record, would submit that the original mining lease was granted in favour of the petitioner *vide* G.O.Ms.No.123, dated 21.12.1956 and it was renewed by G.O.Ms.No.580, dated 16.05.1997, over an extent of Ac.2,718.49 cents in Konidedu and Bugganipalli Beats of Panyam Reserve Forest and the infrastructure over the Ac.86.40 cents in Bugganipalli beat, comprising the Ropeway, Loading Station, Crushing Plant, Office Building, Mines Office, Magazine, Auto Garage, Storage Hoppers and Ammonium Nitrate Storage was established in the year, 1959.

Learned Senior Counsel would further submit that Forest (Conservation) Act, 1980 came into force on 25.10.1980. While so, State of Andhra Pradesh, granted deemed extension of the mining lease upto 31.03.2030, *vide* G.O.Ms.No.5, dated 25.01.2023, over an extent of Ac.294.02 cents, which includes Ac.86.40 cents in Bugganipalli Beat, under Section 8A of the MMDR Act, 1957 as amended in 2015.

Learned Senior Counsel further submits that the objections raised by the Forest Department to have access to infrastructure facilities situated in Ac.86.40 cents is erroneous, since Section 2 of the Forest Act

operates prospectively upon fresh diversion of forest land for a non forest purpose and it cannot be applied retrospectively.

Learned Senior Counsel further submits that the subject land was broken for infrastructure even in the year, 1959. No mining operation is being carried out in the disputed area and there is no fresh breaking of forest land.

Learned Senior Counsel also contends that they have submitted an application and DGPS survey was initially conducted in the year, 2023 and data was submitted to the Forest Range Officer, Panyam. There is delay occurred from January, 2023 to June 2026, which is attributable to the Forest Department and the maps were forwarded by the Forest Department on 24.06.2026, only after filing of the present Writ Petition.

Learned Senior Counsel further contends that to prove the *bonafides* the petitioner, has got conducted a fresh DGPS survey from July, 2026 to June, 2026 in the presence of the Forest Authorities and fresh maps has been forwarded by the Conservator of Forests at Kurnool, *vide* letter dated 01.08.2026, for verification and authentication.

Learned Senior Counsel further submits that the petitioner has diligently pursued every procedural requirement throughout and progressively reducing the extent sought from Ac.2600.09 cents to Ac.294.02 cents and also identifying the land for compensatory afforestation and undertakes to provide the land immediately without any further delay by giving possession of the land with boundaries.

Learned Senior Counsel further submits that the balance of convenience and irreparable injury are in favour of the petitioner.

Per contra, Ms.Kudupudi Siva Jyothi, learned Assistant Government Pleader for Forests would submit that the delay whatever

occurred is institutional and administrative occasioned by the bifurcation of the Forest Division and consequent communication gaps.

Learned Assistant Government Pleader for Forests further submits that as per the written instructions received from DFO, the revised DGPS survey was conducted and raw data along with maps were submitted to the office of Principal Chief Conservator of Forest for verification and authentication.

Learned Assistant Government Pleader for Forests further submits that as per the written Instructions received from Principal Chief Conservator of Forests, the DGPS raw data pertaining to the reduced extent is presently under process and the authenticated maps are scheduled to be furnished to the petitioner by 25.09.2026.

In reply, learned Senior Counsel appearing for the petitioner would submit that the refusal of the relief at this stage would cause the petitioner irreparable injury as it would sterilise a valid and subsisting mining lease and bring to a halt to the cement plant dependent on captive limestone, frustrating the revival of a company that emerged from insolvency under a Resolution Plan approved by the NCLT, Amaravathi Bench, by order dated 25.06.2021.

Learned Senior Counsel brought to the notice of this Court that the subject land of Bugganipalle beat is located in between the non-forest area and the petitioner's mining leased area and any mineral mined from the mining area shall have to transport through this Bugganipalle beat. Hence, this interim order became pre-essential for operations of the company. In the absence of the same, the manufacturing facility comes to a standstill.

Learned Senior Counsel finally prays to grant interim permission to use the infrastructure, pending approval of the Government of India, since acts of the respondents effecting the payment of salaries and

wages to the employee and workers, apart from honouring statutory liabilities.

Heard both sides and perused the material placed on record.

Petitioner has preferred the present Writ Petition seeking a Writ of Mandamus declaring the action of the respondent No.1 in not proceeding and disposing the petitioner's application, dated 14.02.2024 under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (hereinafter referred to as 'Act') in respect of the Ac.294.02 cents of the Kugganipale beat and Konidedu beat in the Panyam Reserve Forest and also the action of the respondent Nos.6 to 8 in preventing and obstructing the petitioner company to access, use, operate and maintain the existing infrastructure facilities situated in Ac.86.40 cents pending and subject to the final forest clearance, in the light of the Show Cause Notice issued dated 09.03.2026, which are contrary to the Act and Rules and directed the respondent No.1 to forthwith process the application within a time frame and to permit the petitioner's company to have access of Ac.86.40 cents in the Bugganipalli Beat of the Pandyam Reserve Forest, by setting aside the Show Cause Notice, dated 09.03.2026.

In this mater, pleadings are completed. Learned counsel for the petitioner has also submitted their arguments and pressed for interim order expressing their difficulty to continue the mining operations in the area, which is not a forest land, in the absence of access to the infrastructure of the company, which is situated in Ac.86.40 cents.

The main plea of the petitioner is that though they have submitted an application, which is required to be addressed as per the time line fixed, the respondents/authorities kept such application pending without processing the same for getting prior approval and forest clearance as per Section 2 of the Act.

Learned Assistant Government Pleader for Forest opposed the said contention. Then this Court ordered for appearance of the concerned DFO before the Court to explain their difficulty in processing such application.

A keen perusal of the documents filed before this Court coupled with pleadings, the fact remain that there is a delay on the part of the Officials of the Forest Department. Of course, that may be an administrative delay.

This Court having observed the gap, directed the petitioner to take necessary steps forthwith for conducting fresh DGPS survey and complete all formalities. At the same time the respondents also directed to cooperate and do the needful to complete the process within a period of thirty (30) days to enable the respondent No.1 for onward submission of the application to the Government of India for consideration, and the matter is directed to be listed on 14.08.2026. It was adjourned from time to time on the request made by the learned Assistant Government Pleader for Forests for getting instructions.

As on 18.09.2026, learned Assistant Government Pleader for Forests, placed on record the written instructions received from Principal Chief Conservator of Forests to the effect that now every formality has been completed and authenticated maps are scheduled to be furnished to the petitioner by 25.09.2026. Thereafter, the petitioner can upload such document in 'Parivesh' Portal.

Considering the submissions made and on keen perusal of chronology of the events occurred, it is not the case that the petitioner is asking permission to have access to the said land i.e., Ac.86.40 cents for the purpose of mining operations. Admittedly, the said land of Ac.86.40 cents has been in possession and enjoyment of the petitioner since 1959. The lease was renewed from time to time. It is also a fact that

Forest (Conservation) Act, 1980 came into force on 25.10.1980. The petitioner has been in possession and enjoyment of the subject land for two (2) decades preceding to that date.

From the beginning, this subject land is meant for infrastructure facilities to attend the needs of the company. Initially, the lease is to an extent of Ac.2,718.49 cents and it has been reduced from time to time. It is also not in dispute that the Government of Andhra Pradesh issued G.O.Ms.No.5, dated 25.01.2023, extending the mining lease upto 31.03.2030.

It is pertinent to mention here that the point raised regarding the applicability of Section 2 of the Act for the subject land warrants comprehensive hearing. Be that as it may, the petitioner has submitted his application and it was not processed for the last two (2) or three (3) years. Now, it has reached to the stage of forwarding to the Government of India for necessary approval according to law.

As an interim measure to attend the cause, since it is represented that unions are protesting for salaries and wages, it is apposite to permit the petitioner to use the subject land i.e., Ac.86.40 cents pending approval of the Government of India on the following conditions:

i).Petitioner shall not conduct any mining operations in the subject land i.e., Ac.86.40 cents.

ii).The subject land is strictly to be used only for the purposes mentioned in the application with the specific boundaries.

In the meanwhile, the respondents/authorities are directed to follow up the process of the application submitted by the petitioner, as per the time line, according to the Governing Rules and Law.

With the above directions, the present application is ordered.

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SD/- U.SRIDEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Environment, Forest and Climate Change (MoEF and CC), Indira Paryavaran Bhawan, Jor Bagh Road Aliganj, New Delhi - 110 003.
2. The Principal Secretary, Industries and Commerce (Mines.III) Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District Andhra Pradesh-522238.
3. The Principal Secretary, Environment, Forests, Science and Technology Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati-522238. **(Addressees 2 & 3 by Special Messenger)**
4. The Principal Chief Conservator of Forests and Head of Forest Force, Government of Andhra Pradesh, Aranya Bhavan, Vijayawada-520001, Andhra Pradesh.
5. The Conservator of Forests, Kurnool Circle, Kurnool-518001, Andhra Pradesh.
6. The Divisional Forest Officer, Nandyal Division, Nandyal District Andhra Pradesh-518501.
7. The Forest Range Officer FAC, Panyam Range, Panyam, Nandyal District, Andhra Pradesh-518501.
8. The District Forest Officer, Kurnool (T) Division, Kurnool-518001
9. The Director of Mines and Geology, Ibrahimpatnam, Vijayawada, NTR District, Andhra Pradesh-521456
10. The District Mines and Geology officer, Nandyal District-518501

11. The Assistant Director of Mines and Geology, Banganapalle, Kurnool District-518214.
12. The District Forest Officer, Nandyal Division, Nandyal District, Andhra Pradesh 518501. **(Addressees 1, 4 to 12 by Speed Post)**
13. One CC to M/s CKR ASSOCIATES Advocate [OPUC]
14. One CC to SRI. JUPUDI V K YAGNADUTT(CENTRAL GOVERNMENT COUNSEL) Advocate [OPUC]
15. Two CCs to GP FOR FORESTS High Court of Andhra Pradesh [OUT]
16. Two CCs to GP FOR MINES AND GEOLOGY High Court of Andhra Pradesh [OUT]
17. One spare copy

HIGH COURT

DR.VJP,J

DATED:19/09/2026

NOTE: LIST THE MATTER ON 08.10.2026.

ORDER

IA No.2 OF 2026

IN

WRIT PETITION NO: 16820/2026

DIRECTION

