

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

WEDNESDAY, THE TWENTY SEVENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY THREE

:PRESENT:
HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
AND
THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

W.P.(PUBLIC INTEREST LITIGATION) NO: 120 OF 2022

Between:

P Siva Kumar, S/o P.Dhayal Naidu, aged 36 years, R/o Balakrishnapuram village, Siruvanambudar Post, Satyavedu Mandal, Tirupati District, Mobile No. 9885627119 Aadhaar Card No. 234996274806 RBL Bank, Tirupathi, S/B Account No. 309016626706.

.....Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravathi.
2. The District Collector, Tirupati District.
3. The Revenue Divisional Officer, Satyavedu Mandal, Tirupati District.
4. The Tahsildar, Satyavedu Mandal, Tirupati District.
5. State of Andhra Pradesh, Rep. by its Principal Secretary, Mines and Geology Department, Secretariat, Velagapudi, Amaravathi.
6. Director of Mines and Geology, Ibrahimpatnam, Vijayawada.
7. Assistant Director of Mines and Geology, Chittoor.
8. Kadirivedu Gram Panchayat, Rep. by its Secretary, Kadirivedu village, Satyavedu Mandal, Tirupati District.
9. The Station House Officer, Satyavedu P.S., Tirupati District.
10. M/s GVV Enterprises, Rep. by its Managing Partner, G.Sudhir Kumar, R/o.H.No.8-1-136/A, Plot No.6, Lake View Villas, Maruthi Nagar, Shaikpet, Hyderabad, Telangana.
11. P.R.Venkatesan S/o.P.P.Raghavan Naicker, Aged 51 years, Occ:Business, R/o.H.No.104, Mahakavi, Bharathi Street, Poorivakkam Post, Perumudivakkam Village, Tiruvallur District, Chennai-601103.

R11 impleaded as respondent vide orders passed in I.A.No.3 of 2022 in W.P.(PIL).No.120 of 2022, dt.12.12.2022.

.....Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus to declaring the action of the respondents in issuing temporary permit in

favour of the 10th respondent vide Procg.No.1548/TP/2022, dated 06.06.2022 for quarrying Gravel of a quantity of 5000 Cum in an extent of 0.500 Hectare in Sy.No.138/P of Kadirivedu village, Satyavedu Mandal, Tirupati District, which land is classified and reserved as 'Metha Beedu' and is being used by the villagers of Kadirivedu and surrounding villages for the grazing of their livestock as illegal, arbitrary, violative of provisions under A.P.Panchayat Raj Act, Board Standing Orders and unconstitutional and consequently:

i.) set aside Procg.No.1548/TP/2022 dated 06.06.2022 issued by the 4th respondent in favour of the 10th respondent for quarrying Gravel of a quantity of 5000 Cum in an extent of 0.500 Hectare in Sy.No.138/P of Kadirivedu village, Satyavedu Mandal, Tirupati District and

ii.) direct the respondents not to change classification or use/permit to use any lands that as classified as 'Metha Beedu' i.e. lands in Sy.Nos.1/2B, 17/1, 17/19, 93, 127/3, 128/1A, 129, 130, 131, 132, 133, 134/1, 135/1, 136, 137, 138, 140/2, 142/1 and 249/2 of Kadirivedu village, Satyavedu Mandal, Tirupati District, for any purpose other than as 'Metha Beedu' i.e. grazing lands;

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the operation of Procg.No.1548/TP/2022, dated 06.06.2022 issued by the 4th respondent in favour of the 10th respondent, pending disposal of the WP(PIL) No. 120 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 the order of the High Court, dated 04.08.2022, 09.09.2022, 16.09.2022, 14.11.2022, 12.12.2022, 08.02.2023, 22.02.2023, 27.03.2023, 04.04.2023, 19.04.2023, 20.04.2023, 19.10.2023 & 21.12.2023 made herein and upon hearing the arguments of Smt S.Pranathi Advocate for the Petitioner and of GP FOR REVENUE for the Respondent Nos.1 to 4, GP for MINES AND GEOLOGY for Respondent Nos.5 to 7, Sri Vinod K Reddy Standing Counsel for Respondent No.8, GP FOR HOME for Respondent No.9, Sri.Solomon Raju Manchala, Advocate for Respondent No.11, the Court made the following

ORDER:

"In the present Public Interest Litigation, one can see the brazen manner in which the land, which was declared as Grazing Ground Poramboke and recorded so in the Revenue records, was permitted to be used for mining purposes by the Mines and Geology Department based upon an NOC issued by the Tahsildar.

On a reading of the NOC issued by the concerned Tahsildar, dated 08.03.2021, it can be seen that the concerned Tahsildar was aware that in the

records the land in question measuring 3.132 hectares in Survey No.138, was recorded as Grazing Ground Poramboke, yet NOC was issued by him based upon which the Assistant Director of Mines and Geology, Chittoor, issued the permission, dated 06.06.2022, permitting the private respondent No.10 to conduct mining operations.

Similarly, the Tahsildar and Revenue Divisional Officer also appeared to have given a similar NOC in regard to grazing land in favour of respondent No.11, despite the fact that the land in question was recorded as Grazing Ground Poramboke. Since these officers are not before this Court in their personal capacity, we direct learned Government Pleader for Revenue and Mines & Geology to furnish the names and particulars of the officers, so that they can be incorporated as party respondents with a view to enable this Court to hear them before passing appropriate orders.

List on 24.01.2024.

Interim order granted earlier stands extended till the next date of hearing."

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. One CC to Smt.S.Pranathi, Advocate (OPUC)
2. Two CCs to GP for Mines & Geology, High Court of A.P. (OUT)
3. Two CCs to GP for Home, High Court of A.P. (OUT)
4. Two CCs to GP for Revenue, High Court of A.P. (OUT)
5. One CC to Sri.Vinod.K.Reddy, Standing Counsel [OPUC]
6. One CC to Sri.Solomon Raju Manchala, Advocate (OPUC)
7. One CC to Sri. G.Venkata Reddy, Standing Counsel [OPUC]
8. One CC to Sri Subba Rao Korrapati, Advocate (OPUC)
9. Two spare copies.

PSK



HIGH COURT

HCJ & RRRJ

DATED: 27.12.2023

LIST ON 24.01.2024.

WP(PIL).No.120 of 2022

INTERIM ORDER EXTENDED

