

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY TWO



:PRESENT:

THE HONOURABLE CHIEF JUSTICE SRI PRASHANT KUMAR MISHRA  
AND  
THE HONOURABLE SRI JUSTICE D.V.S.S SOMAYAJULU

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.

.....Petitioners

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.

.....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 to issue an appropriate writ, order or direction more particularly one in the nature in WRIT of MANDAMUS 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 4<sup>th</sup> 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 4<sup>th</sup> 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 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, the Court made the following.

#### **ORDER**

**(Through Physical Mode)**

This writ petition in the nature of public interest litigation has been preferred to declare the action of the respondents in issuing temporary permit in favour of respondent No.10 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 4<sup>th</sup> 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.

Learned counsel for the petitioner would refer to the documents available at page Nos.64 and 66 of the material papers to substantiate the allegation that Sy.No.93 of Kadirivedu Village is grazing land and further referred to the documents filed on 15.09.2022 along with I.A.No.02 of 2022, which contain photographs showing mining operation being carried on in Sy.No.93 of Kadirivedu village.

Considering the material placed before this Court, we direct respondent No.7 to stop mining operation in Sy.Nos.1/2B, 17/1, 17/19, 127/3, 128/1A, 129, 130, 131, 132, 133, 134/1, 135/1, 136, 137, 138, 140/2, 142/1 and 249/2 including Sy.No.93 of Kadirivedu village, Satyavedu Mandal, Tirupati District. Respondent No.7 shall cause removal of all men and machinery presently available in Sy.Nos.1/2B, 17/1, 17/19, 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, including Sy.No.93 as shown in the photographs filed by the writ petitioner. Any defiance of the order by respondent No.7 or the individual, who is carrying on mining operation, shall be viewed seriously and contempt proceedings will be drawn against the officers concerned and the individual.

Respondent No.7 shall file compliance report before the next date of hearing. All other official respondents shall cooperate with respondent No.7.

Post this case on 13.10.2022.

Sd/- V. SAVITRI GOWRI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, 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. The Principal Secretary, Mines and Geology Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi.
6. The Director of Mines and Geology, Ibrahimpatnam, Vijayawada.
7. **The Assistant Director of Mines and Geology, Chittoor.**
8. The Secretary, Kadirivedu Gram Panchayat, Kadirivedu village, Satyavedu Mandal, Tirupati District.
9. The Station House Officer, Satyavedu P.S., Tirupati District.
10. G.Sudhir Kumar, Managing Partner, M/s GVV Enterprises, R/o H.No.8-1-136/A, Plot No.6, Lake View Villas, Maruthi Nagar, Shaikpet, Hyderabad, Telangana. (1 to 10 by RPAD- along with a copy of petition and affidavit)
11. One CC to SMT.S.PRANATHI, Advocate (OPUC)
12. Two CCs to GP for Mines & Geology, High Court of A.P. (OUT)
13. Two CCs to GP for Home, High Court of A.P. (OUT)
14. Two CCs to GP for Revenue, High Court of A.P. (OUT)
15. One CC to Sri.Vinod.K.Reddy, Standing Counsel [OPUC]
16. Two spare copies.

SRL



**HIGH COURT**

**HCJ & DVSSJ**

**DATED: 16.09.2022**

**DATED: POST THIS CASE ON 13.10.2022**

**WP(PIL).No.120 of 2022**

**DIRECTION**

