



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

[3311]

Wednesday, the Eighth Day of October
Two Thousand and Twenty Five

Present

The Honourable Ms. Justice B.S.Bhanumathi

I.A.No.1 of 2025
in
Writ Petition No: 26267 of 2025

Between:

Kakatiya Cement Sugar and Industries Limited

...Petitioner

and

The State of Andhra Pradesh and others

...Respondents

Counsel for the petitioner:

1. Devi Prasad Mangalapuri

Counsel for the respondents:

1. G.P. for Forests

2. G.P. for Mines and Geology

The Court made the following Order:

This application is filed to direct the respondents to permit the petitioner to forthwith resume its mining activities by issuing the necessary permissions, approvals and permits in Form-I to enable the petitioner to conduct its mining activities / operations without any hindrance.

2. The case of the petitioner is briefly as follows:

a. The subject mining area is forest land with an extent of 300 Acres in Sy.No.236 in Jaggayyapet Reserve Forest, Krishna District, was initially granted to P.Venkateswarulu of the petitioner company on 19.03.1982 for a period of 20 years. Subsequently, the lease was transferred to the petitioner vide G.O.Ms.No.613dated 08.10.1982 of Industries & Commerce (MII) Department, by the erstwhile Government of Andhra Pradesh. The petitioner submitted a letter to the D.F.O., Krishna Division on 26.12.2000 seeking renewal of the mining lease for further 20 years. In the process of handing over the compensatory afforestation (in short 'C.A.') land to the forest department, petitioner got temporary working permission on 06.06.2002 for mining operations.

b. On 18.10.2002, the Central Government issued a letter vide No.8-44/2002-FC, to the Secretary (Forest), Government of Andhra Pradesh, Hyderabad, agreeing, in-principle, for diversion of 300 acres of forest land for renewal of mining lease subject to some conditions, including handing over of C.A. land. On 21.12.2004, the C.A. land to an extent of 300 acres in Sy.No.318 of Nemalipur Village was transferred to the forest department and on 23.12.2004, M.R.O. concerned mutated the land in favour of the forest department. The petitioner paid compensatory afforestation charges of Rs.55.81 lakhs on 10.03.2005. On 14.03.2008, vide Rc.No.21/2001-V6, the petitioner was directed to pay Rs.850.22 lakhs as net present value (N.P.V.). Upon request of the petitioner, vide Memo No.2705/FOR.I(1)2008-2, dated 17.06.2008, the Government of Andhra Pradesh directed the Chief Conservator of Forests, Hyderabad to re-assess the N.P.V. payable by the petitioner. Challenging the said memo, a writ petition W.P.No.16594 of 2008 was filed by the petitioner before the erstwhile High Court of Andhra Pradesh. The said memo was suspended by

interim order dated 05.08.2008 subject to depositing Rs.1 crore by the petitioner. The interim order was made absolute on 28.10.2010 and the writ petition is still pending before the High Court of Telangana State. G.O.Ms.No.26, dated 15.02.2015 was issued by the Government of Andhra Pradesh extending the mining lease of the petitioner for a period of 50 years up to 18.05.2032 from 19.05.1982 in view of the amended Section 8A(3) of Mines and Minerals (Development and Regulation) Act, 1957 (in short 'M.M.D.R. Act'). On 01.04.2015, vide F.No.11-51/2015-FC, the Government of India, Ministry of Environment, Forests and Climate Change issued a letter to the State Governments wherein, at paragraph No.3, it is stated that in case of existing mining leases in respect of minerals specified in sub-section (1) of section 8A of the M.M.D.R. Act, as inserted by the Mines and Mineral (Development and Regulation) Amendment Ordinance, 2015, period of validity of approvals accorded under Section-2 of the FC Act shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease in accordance with the provisions of the M.M.D.R. Act, as amended, subject to the conditions therein. On 22.11.2024, the respondent No.4 issued a letter to the petitioner stating that the forest clearance permission granted to it will expire by 30.03.2025 and directed the petitioner to obtain renewal of it. The petitioner, on 13.02.2025 submitted reply to consider the deemed extension of its forest clearance permit until 18.05.2032 in view of the letter of the Central Government dated 01.04.2015. Without considering the same, on 01.05.2025, the respondent No.4 issued the petitioner a show cause notice to handover alternate C.A. land as the settlement of boundaries pursuant to W.A.No.923 of 2004 is still pending and directed the petitioner to give reply within 15 days. Again on 13.05.2025, the respondent No.4 issued the petitioner a notice to

stop all mining activities stating that the forest clearance had expired by 30.03.2025. On 14.05.2025, the petitioner submitted reply to the show cause notice stating that C.A. land had already been duly conveyed and that the petitioner is committed to the afforestation activities. On 06.06.2025, the respondent No.4 issued a notice to the petitioner stating that the condition No.3 (alternate C.A. land) and condition No.7 (afforestation activities) had not been complied and therefore, the renewal application had not been processed. On 30.06.2025 and 08.07.2025, the petitioner submitted detailed representations once again informing the deemed extension of the permit and conveyance of C.A. land. On 24.07.2025, the petitioner submitted an undertaking that it will abide by the order of the Court for afforestation. On 02.09.2025, the petitioner filed a writ petition W.P.No.23426 of 2025 before this High Court challenging the notices dated 13.05.2025 and 06.06.2025. On 08.09.2025, this High Court passed final order in the writ petition setting aside those notices and gave liberty to the respondent No.4 to pass order afresh. On 13.09.2025, the petitioner submitted a letter to the respondents Nos.1 to 4 intimating the final order dated 08.09.2025 and that it is resuming the mining activities. On 15.09.2025, the respondent No.4 refused to permit the petitioner to resume the mining activities and issue fresh Form-I permit and orally conveyed that the final order merely set aside the notice, but has not permitted resumption of the mining activities and that a fresh permission through a government order is required to continue mining. Hence this writ petition is filed.

3. The learned Senior Counsel for the petitioner submitted that the department of forest is insisting for payment of N.P.V. and C.A. land as demanded earlier as a condition for the enforcement of the deemed extension of approval for forest clearance co-terminus with

the extended period of mining lease, though there is an interim order dated 05.08.2008 in suspending the operation of the demand of higher amount of N.P.V. subject to deposit of Rs.1.00 Crore and the same was complied and later it was made absolute on 28.10.2010 and the dispute of boundaries is still under *lis* in the writ petition and therefore, the respondents cannot insist compliance of the conditions which are subject matter of the pending writ petitions. He further submitted that due to the notices dated 13.05.2025 and 06.06.2025 impugned in this writ petition, the mining activity of the petitioner is abruptly stopped leading to loss to the petitioner and therefore, a temporary order pending decision in this writ petition is required in view of the time that may be taken to get the W.P.No.16594 of 2008 decided.

4. The learned Government Pleader for Forests submitted that he had placed on record written instructions of D.F.O., N.T.R. Division, Vijayawada vide Rc.No.2754/2025/TO, dated 26.09.2025 on 06.10.2025 and submitted that the deemed extension of the forest clearance is subject to the conditions in the circular and therefore, the petitioner cannot take the benefit of the deemed extension without complying the conditions. He further submitted that they would take expeditious steps to get W.P.No.16594 of 2008 adjudicated on merits and that since there is an order of stay in that writ petition, for the time being, the interim order prayed may be granted for a limited period and that this writ petition is subject to the result in W.P.No.16594 of 2008.

5. In reply, the learned counsel for the petitioner submitted that the conditions mentioned with reference to the deemed extension, being the subject matter of the writs, the respondents cannot refer the same conditions as embargo to prevent the petitioner to continue to operate mining by virtue of the deemed extension of the forest clearance.

6. As the objections, raised for implementation of the deemed extension of forest clearance, relate to the non-payment of N.P.V. claimed by the department of forest though there is the interim order of stay in operation in W.P.No.16594 of 2008, and the dispute of C.A. land which is still sub-judice, this Court is of the view that the petitioner is entitled to interim relief for a limited period to enable the adjudication of the matters in *lis*.

7. Accordingly, interim order as prayed for is granted till 19.11.2025.

B.S.BHANUMATHI,J

Note: Issue C.C.by 10.10.2025

b/o

NSM