APHC010336492026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3329]**
**(Special Original Jurisdiction)**

MONDAY, THE 13th DAY OF JULY 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 17979/2026**

**Between:**

1. ANNE GAYATRI, W/O ANNE SRINIVASA RAO, AGED ABOUT 42 YEARS, R/O D.NO. 5-157/2, FLAT NO. 1003, NARAYANAPURAM COLONY, VIJAYAWADA, NTR DISTRICT- 521104.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, INDUSTRIES AND COMMERCE(MINES) DEPARTMENT A.P SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.-522238
2. THE DIRECTOR OF MINES AND GEOLOGY, KAKINADA, EAST GODAVARI DISTRICT-533001.
3. THE ASSISTANT DIRECTOR OF MINES AND GEOLOGY, ELURU DISTRICT534006
4. THE DISTRICT COLLECTOR, ELURU DISTRICT.-534006
5. THE PANCHAYAT SECRETARY, SIMHADRI APPARAOPETA (SA PETA), AGITIPALLI MANDAL, NUZVID DIVISION, ELURU DISTRICT-521211
6. THE TAHSILDAR, AGIRIPALLI MANDAL, ELURU DISTRICT.-521211
7. VEERLA KONDALU, S/O THIRUPATHAIAH, AGED ABOUT YEARS, R/O SIMHADRI APPARAOPETA (SA PETA), AGITIPALLI MANDAL, NUZVID DIVISION, ELURU DISTRICT-521211

8. ORUGU PANGIDAIAH, S/O SATYANARAYANA, AGED ABOUT YEARS, R/O SIMHADRI APPARAOPETA (SA PETA), AGITIPALLI MANDAL, NUZVID DIVISION, ELURU DISTRICT-521211

9. DERANGULA KONDALU, S/O KRISHNA AGED ABOUT YEARS, R/O SIMHADRI APPARAOPETA (SA PETA), AGITIPALLI MANDAL, NUZVID DIVISION, ELURU DISTRICT-521211

**...RESPONDENT(S):**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, preferably one in the nature of a Writ of Mandamus, declaring the inaction of Respondents in preventing the illegal excavation and transportation of the soil from Petitioners land in R.S. No.556/4 admeasuring to an extent of Ac.4.10 cents of agricultural land in Simhadri Apparao Peta Gram Panchayat, Boddanapalli village in Agiripalle Mandal in Eluru District as illegal, arbitrary unsustainable, unconstitutional and contrary to The Mines and Minerals (Development And Regulation) Act, 1957 and Rules thereof and consequently direct the respondents to stop the illegal excavation and of the soil and Minerals transportation of the soil in Petitioner's land In R.S. No.556/4 admeasuring to an extent of Ao.4.10cents of agricultural land in Simhadri Apparao Peta Gram Panchayat,Boddanapalli village in Agiripalle Mandal in Eluru District and restore the soil and pass

**IA NO: 1 OF 2026**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the Respondents to stop and prevent further illegal excavation and transportation of the soil from Petitioner’s land in R.S. No.556/4 admeasuring to an extent of Ac.4.10 cents of agricultural land in Simhadri Apparao Peta Gram Panchayat, Boddanapalli village in Agiripalle Mandal in Eluru District and pass

**Counsel for the Petitioner:**

1. SODUM ANVESHA

**Counsel for the Respondent(S):**

1. GP FOR REVENUE

2. GP FOR MINES AND GEOLOGY

**The Court made the following:**

**THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO: 17979/2026**

**ORDER:-**

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

> *"to issue an appropriate Writ, Order or Direction, preferably one in the nature of a Writ of Mandamus, declaring the inaction of Respondents in preventing the illegal excavation and transportation of the soil from Petitioner's land in R.S.No.556/4 admeasuring to an extent of Ac.4.10 cents of agricultural land in Simhadri Apparao Peta Gram Panchayat, Boddanapalli village in Agiripalle Mandal in Eluru District as illegal, arbitrary, unsustainable, unconstitutional and contrary to the Mines and Minerals (Development And Regulation) Act, 1957 and Rules thereof and consequently direct the respondents to stop the illegal excavation and transportation of the soil in Petitioner's land in R.S.No.556/4 admeasuring to an extent of Ac.4.10 cents of agricultural land in Simhadri Apparao Peta Gram Panchayat, Boddanapalli village in Agiripalle Mandal in Eluru District and restore the soil and pass such other order or orders…."*

2. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

3. The case of the petitioner is that the petitioner herein is the absolute owner of the agricultural land admeasuring to an extent of Ac.4.10 cents in R.S.No.556/4 situated in Simhadri Apparao Peta Gram Panchayat, Boddanapalli Village, Agiripalle Mandal, Eluru District. While so, the unofficial respondents herein are doing illegal excavation and transportation of soil from the petitioner's land without there being any valid mining lease or quarry lease in their favour. For which, the petitioner herein submitted representations dated 18.05.2026 and 23.06.2026 to the respondent Nos. 2, 3 and 6. Even

after receipt of the said representations, the respondents did not initiate any steps to stop the illegal mining and excavations from the petitioner's land. Aggrieved by the same, the petitioner herein preferred the present writ petition.

4. On the other hand, learned Government Pleader for the respondents furnished written instructions dated 04.07.2026 issued by the District Mines and Geology Officer, Eluru District, wherein, it is stated that the authorities had inspected the alleged agricultural land of the petitioner on 04.07.2026 and found that some recent excavations have been noticed at the subject land and thus, the respondents would take steps to stop the illegal excavations and measure the value of excavation of mineral by the unofficial respondents.

5. Having regard to the submissions made by the learned counsel for both the parties and on perusal of the material placed on record, this Court is of the considered view that the present Writ Petition can be disposed of, with the following directions:

i. Respondent Nos. 2 to 6 are directed not to permit/allow any person, more particularly, the unofficial respondents herein to excavate or transport the soil from the petitioner's land without valid mining lease or quarry lease in their favour.

ii. However, the respondent authorities are at liberty to measure the mineral which was already excavated from the subject

land of the petitioner and levy/demand the seigniorage fee or any other fee for the mineral excavated by the unofficial respondents.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

**VENKATESWARLU NIMMAGADDA, J**

Date:13.07.2026
BSP

**23**

**THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION NO:17979/2026**

Date:13.07.2026
BSP