APHC010470062023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3396]**
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 24378/2023

Between:

1. CHALLA VENKATA NARAYANA, S/O. CHALLA KONDAIAH, AGED ABOUT 50 YEARS R/O. H.NO.1-205/A, CHERUVU MADHAVARAM, G.KONDURU MANDAL, NTR DISTRICT -521229.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY IT'S PRINCIPLE SECRETARY (FOREST DEPT.) SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DISRICT FOREST OFFICER, NTR DIVISION, NTR DISTRICT VIJAYAWADA.
3. THE DEPUTY DIRECTOR OF MINES AND GEOLOGY, VIJAYAWADA
4. THE MANDAL REVENUE OFFICER, , G.KONDURU MANDAL, NTR DISTRICT.
5. THE ASSISTANT DIRECTOR, THE DISTRICT SURVEY LAND RECORDS. KRISHNA (NTR DISTRICT), MACHILIPATNAM.

...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 tomay be pleased to issue Writ,Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceeding Rc.No.780/2019/TO dated 14-06-2023 whereby rejecting to issue NOC to the applied quarry area of the Writ

Petitioner stating that the same falls in Duggiralapadu Reserve Forest as illegal, arbitrary and contrary to Joint Survey Report submitted by the 5th respondent Vide Rc.A3/10/2008 dated 21-02-2008 and the Order and Judgment dated 21-09-2017 passed in OS No.677/2002 which was re-numbered as OS No.110/2010 by the Junior Civil Judge, Mylavaram apart from violation of article 19 and 21 of Constitution of India and consequently set aside the same with a direction to the respondents to grant of Quarry lease to the petitioner for Road Metal and Gravel over an extent of Ac.8.00 in Sy.No.139 of Munagapadu Village, G.Konduru Mandal, NTR District (earstwhile Krishna District) by processing the mining renewal online application bearing No. MIN011900070083 dated 11-01-2019 and to pass such

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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 may be pleased to direct the respondents to process the mining renewal online application bearing No. MIN011900070083 dated 11-01-2019 in view of existence of the Order and Judgment dated 21-09-2017 passed in OS No.677/2002 which was re-numbered as OS No.110/2010 by the Junior Civil Judge, Mylavaram, pending disposal of the above writ petition and to pass such

Counsel for the Petitioner:

1. J U M V PRASAD

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP FOR FORESTS

The Court made the following Order:

Heard Sri J.U.M.V. Prasad, learned counsel appearing for the petitioner, Ms. Kotha Veera Naga Pallavi, learned Assistant Government Pleader for Forest and Sri K. Dilip Nayak, learned Assistant Government Pleader for Revenue.

2. It is the case of the petitioner that he was initially granted a mining lease for extraction of Road Metal and Gravel over an extent of Ac.8.00 in Sy.No.139 of Munagapadu Village, G.Konduru Mandal, for the period from 31.03.2009 to 30.03.2019. Before expiry of the lease period, he submitted an online application for renewal on 11.01.2019. Though the CRDA issued an NOC, the Forest Department, vide proceedings dated 14.06.2023, refused to issue an NOC on the ground that the quarry area falls within Duggiralapadu Reserve Forest.

3. The petitioner contends that the joint survey report dated 21.02.2008 describes the subject land as revenue land classified as 'Raalla Gutta' and not forest land. He further relies upon the judgment dated 21.09.2017 in O.S.No.110 of 2010, whereby a decree of permanent injunction was granted in his favour. Aggrieved by the refusal of the Forest Department to issue an NOC, the petitioner filed the present Writ Petition seeking to set aside the proceedings dated 14.06.2023 and a consequential direction to

process his application for renewal of the mining lease.

4. The 2nd respondent has filed a counter affidavit, contending that the subject quarry area falls within the boundaries of Duggiralapadu Reserve Forest, notified under Section 15 of the A.P. Forest Act, 1967, vide G.O.Ms.No.454, dated 14.09.1981. It is further submitted that the earlier mining lease was cancelled by the District Collector vide proceedings dated 13.01.2014, as the subject land forms part of the Reserve Forest. Further, based on the GPS survey and the report of the Forest Range Officer dated 06.06.2023, the 2nd respondent rejected the request for issuance of NOC vide proceedings dated 14.06.2023.

5. It is further submitted that the decree of permanent injunction granted in favour of the petitioner in O.S.No.110 of 2010, dated 21.09.2017, is under challenge in A.S.No.36 of 2018, which is pending before the XV Additional District Judge, Krishna at Nuzvid. Therefore, the respondents contend that the subject land falls within the Reserve Forest and no NOC can be issued for carrying out quarrying operations therein. Ms. Kotha Naga Pallavi, the learned Assistant Government Pleader for Forest, accordingly, seeks dismissal of the Writ Petition. It is further submitted that the Writ Petition may be disposed of, leaving it open to the petitioner to work out his remedies in accordance with law.

6. In the light of the above submissions, the Writ Petition is disposed of, granting liberty to the petitioner to work out his remedies for

processing his application for grant of mining lease, in accordance with the applicable rules and law. There shall be no order as to costs.

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DR. VENKATA JYOTHIRMAI PRATAPA,J

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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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