

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE
BENCH AT CHENNAI**

ORIGINAL APPLICATION No. 179 of 2021 (SZ)

Tribunal on its own motion
Suo Motu based on the new item published
In Eenadu Telugu News Paper, Andhra Pradesh Edition,
Kurnool District, Dt. 20.7.2021,
"Mixing of Potstone (Naparallu) Excavation being done
Without leaving margin on either side of the roads"

... Applicant(s)

vs

Chief Secretary to Government of Andhra Pradesh,
1st Block, 1st Floor, Interim Government Complex,
A.P. Secretariat Office, Velagapudi,
Guntur, Andhra Pradesh – 522 237 and 7 others ... Respondents

**STATUS REPORT FILED BY THE DEPARTMENT OF MINES
& GEOLOGY A.P 6TH RESPONDENT**

Date-05-12-2022



**M/S MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNCIL FOR GOVERNMENT OF
ANDHRA PRADESH**

**A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

26,S2, Royal Castle, Gill Nagar Extension, Choolaimedu,
Chennai – 600 094. Mobile: 98407 98460 / 6383121322

COUNSEL FOR 6TH Respondent

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It is certified that all the documents contained in the above annexure are true copies.

Date: 05-12-2022



**M/S MADHURI DONTI REDDY
ADVOCATE
STANDING COUNCIL FOR GOVERNMENT OF
ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
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26,S2, Royal Castle, Gill Nagar Extension, Choolaimedu,
Chennai – 600 094. Mobile: 98407 98460 / 6383121322
COUNSEL FOR 6TH Respondent**

REPORT FILED BY THE DEPARTMENT OF MINES & GEOLOGY GOVT OF ANDHRA PRADESH BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SZ) CHENNAI IN O.A No. 179 of 2021 ITS ORDER DATED 13-09-2022

HISTORY OF THE LEASED AREAS:

1. It is submitted that the road section in between Palkur and Ramakrishnapuram is not authorized either by the State Panchyat Raj Department or Roads & Buildings Department of Government of A.P. actually this road is utilized by pedestrians since times. Further, the old worked out pits in between state road of Banaganapalle, Tadipatri are present, and the same were closed with the generated waste from the quarries. At present, there is no working over the sites of the state road, after stringent measures taken by the line departments.
2. Further, it is submitted that the department of Mines & Geology officials are continuously patrolling over the vulnerable road points prone to are excavations, which are adjacent to the state roads and village connecting roads.
3. Further, it is submitted that there is District Vigilance Squad, under the Supervision of Assistant Director of Mines & Geology at District Level regularly monitoring illegal transportation of various minerals besides unauthorized excavations where with their incessant efforts about Rs.70 Lakhs of penalties are collected from April-2022. On the other side the technical staff of office of the Asst. Director of Mines & Geology, Banaganapalle and Kurnool watch and ward unauthorized transportations. Besides that the Regional and Vigilance Enforcement Wing, Kurnool headed by Superintendent of Police, Kurnool regularly monitor revenue leakages pertaining to all the revenue earning departments and unplug the pilferage here the Superintendent of Police and Regional Vigilance Enforcement Officer, Kurnool have also participated in the inspections of subject area and referred to the

General Administration Department (GAD), which is under the controlling of the Hon'ble Chief Minister of the state of Andhra Pradesh. Soon after getting approval from the Director General of Vigilance & Enforcement, (GAD) for the above-referred cases notices will be raised against the defaulters. In this case, the approval from the GAD is awaited.

4. However, these offices have initiated stringent measures against the excavators nearby public roads as such served notices and demand raised against the 19 defaulters. Besides Show Cause notices served to 45 quarry lease holders by the Pollution Control Board, Kurnool, after getting information from this office as per direction issued by this Hon'ble NGT orders dated 13 -09-2022 Para No's. 1 & 2 as follows;-

1. Though direction was given on 15.07.2022 directing the State Government and the Pollution Control Board to furnish the names of the violators, compensation levied, to be levied and so far collected and the further action taken against the violators ought to be furnished which is not furnished today.

2. There are about 45 named lessees, few of whose lease periods are over but majority of them have the valid lease even till 2030, which ought to be monitored by the authorities for any violation. In the event, the authorities find that there is a violation and any compensation is levied till such time the violator pays the penalty, he should not be allowed to continue with his activity. The State Government also can consider either not granting fresh license or renew the existing license in the event any of the lessees have violated the condition. These kinds of stringent measures to be taken by the State Government would in our opinion bring down such illegalities.

5. In the above case the main issue is excavation of road in between Palkur Ramakrishnapuram Village of Banaganapalle Mandal. In this connection, it is submitted that all along the road section of the above villages 14 No's of quarries were granted for Napa Slabs quarrying. The details of the same are as follows.

Sl. No.	Name and address of lease holder	Location	Extent of lease (in Hects)
1	D.MudavaEdur Saheb	Sy.No.146 & 147A of Palkur (V), Banaganapalle (M)	3.141
2	V. Sudhakar	Sy.No.146 of Palkur (V), Banaganapalle (M)	0.910
3	S.Kalavathamma	Sy.No.331 & 332of Palkur (V), Banaganapalle (M)	2.180
4	K. Ramanjaneyulu	Sy.No.286 of Palkur (V), Banaganapalle (M)	0.846
5	Shaik Hussain Saheb	Sy.No.288/3 of Palkur (V), Banaganapalle (M)	0.429
6	M. Chinna Venkata Swamy	Sy.No.445 of Palkur (V), Banaganapalle (M)	0.504
7	C. Venkateswaramma	Sy.No.129/1A & 130/1A ofPalkur (V), Banaganapalle (M)	2.512
8	P. Tirupal	Sy.No.286 of Palkur (V), Banaganapalle (M)	0.360
9	P. Bhaskar Reddy	Sy.No.312/2A-1of Palkur (V), Banaganapalle (M)	0.640
10	M/s Rafi Slabs Polishing Ind, Prop:K.Ahammed Hussain	Sy.No.286 of Palkur (V), Banaganapalle (M)	0.368
11	Sri S. Konda Reddy	Sy.No.273 & 274of Palkur (V), Banaganapalle (M)	2.930
12	M/s Sri Lakshmi Srinivasa Stone Quarry cutting works, M. Srinivasulu	Sy.No.1/1 & 223 etcof Palkur (V), Banaganapalle (M)	27.149
13	P. Anand Kumar	Sy.No.446/3 of Palkur (V), Banaganapalle (M)	0.579
14	M.Ramakrishna	Sy.No.446 of Palkur (V), Banaganapalle (M)	4.048

Out of the 14 leases, 04 leaseholders were encroached into buffer area and rest of 10 numbers of the leaseholders are doing quarry operations as per their permissions. The details of the same are as follows.

I. Name of the Violators, compensation levied, to be levied and so far collected and further action against the violators:

a. Name of the violators (lease holders) in Palkur-Ramakrishnapuram village road section by encroaching the Leased areas

Sl. No.	NAME AND ADDRESS OF LEASE HOLDER	LOCATION	EXTENT OF LEASE (IN HECTS)	QUANTITY EXCAVATED IN BUFFER AREA (IN SQ.MTS)	ACTION TAKEN ON LEASE HOLDER
1	K. Ramanjaneyulu	Sy.No.286 of Palkur (V), Banaganapalle	0.846	3,26,182	

		(M)			Filed FIR vide 45/2020, dt: 21.03.2022
2	Shaik Hussain Saheb	Sy.No.288/3 of Palkur (V), Banaganapalle (M)	0.429	56,700	
3	M. Chinna Venkata Swamy	Sy.No.445 of Palkur (V), Banaganapalle (M)	0.504	75,600	
4	C. Venkateswaramma	Sy.No.129/1A & 130/1A of Palkur (V), Banaganapalle (M)	2.512	1,65,375	

b. Name of the violators (non-lease holders) in Palkur- RamaKrishnapuram Road section

Sl. No.	NAME AND ADDRESS OF LEASE HOLDER	LOCATION	QUANTITY EXCAVATED (IN SQ.MTS)	ACTION TAKEN ON LEASE HOLDER	REMARKS
1	Gundam Venakta Rami Reddy	Sy.No.284 & 285 of Palkur (V), Banaganapalle (M)	7,93,800	Filed Criminal Cases against them in Station House Officer, Nandivargam vide FIR No.45/2020, dt:21.03.2020	Action will be initiated after approval of DG, Vigilance as well as judgment.
2	G. Rama Krishna Reddy	Sy.No.284 of Palkur (V), Banaganapalle (M)	5,355		
3	G. Rameswara Reddy	Sy.No.284 of Palkur (V), Banaganapalle (M)	1,680		
4	Kottala Naga Raju	Sy.No.288/2 & 282 of Palkur (V), Banaganapalle (M)	36,960		
5	Ambala Rama Krishna Reddy	Sy.No.284 of Palkur (V), Banaganapalle (M)	16,800		
6	M. Basheer Ahmed	Sy.No.445/1of Palkur (V), Banaganapalle (M),	18,900		

6. Further, it is submitted that regarding imposing of penalty over the violators in the subject area, the inspection were conducted by this department along with Vigilance & Enforcement, Kurnool. Here for initiation of action against the defaulters, necessary approval of the Director General Vigilance & Enforcement is required and waiting for the same. Meanwhile the Hon'ble High Court of A.P issued directions in batch of Writ Petitions .No's .8390 of 2018 and 12334 of 2021, 27815 & 27952 of 2021 and W.P.No.27903 & 28372 of 2021 and Writ Petition No.12950 of 2021, dated: 30.09.2022 Para No's -30 as follows:-

30. This Court, for the above reasons, holds that the Assistant Director of mines or any other authority of the State cannot determine

the culpability of the person said to be in violation of the MMDR Act or the Concession rules or levy a penalty and it is only a court of competent jurisdiction which can go into these questions and levy penalties set out under rule 26 of the concession rules or under any of the other provisions of the MMDR Act or the Concession rules. In view of this the officers waiting for further directions from Director of Mines & Geology Department, Vijayawada. (***MMDR Act*** Mines and Minerals (Development and Regulation) Act)

III.Name of the Violators, compensation levied, to be levied and so far collected and further action against the violators regarding Owk and Kolimigundla Mandals of Nandyal District related to NGT in OA No. 179/2021.

Sl. No	Name of the defaulter	Location	Mineral & Quantity excavated in Sqm/MT	Penalty imposed	Penalty realized	Remarks
1	Sri A. Mahesh	Sy. No. 1054 of Goruvimanipalli (V), Kolimigundla (M)	LSS (B) 678 MT	8,29,300/-	NIL	FIR filed against the defaulters in SHO, Kolimigundla.
2.	Sri A. Bhrahmaiah	Sy. No. 1054 of Goruvimanipalli (V), Kolimigundla (M)	LSS (B) 2363 MT	28,90,422/-	NIL	
3.	Sri K Bhaskar Reddy	Sy.No. 306 of old Cherlopalli (V), Owk (M)	LSS (B) 39900 Sq. mt	39,31,400/-	NIL	FIR No. 119/2019, dt. 20.06.2019 filed against the defaulter. Issued Demand Notice No. 404/RVEO/2019-2, dt. 25.03.2021
4.	Sri B. Ramakoti	Sy.No. 326, 333, 334 of Sunkesula (V), Owk (M)	LSS (B) 998000 Sq.mt	--	NIL	Criminal case filed on 29.12.2021 against the defaulter. SCN issued
5.	Smt M. Jayamma	Sy. No. 304/2A Palkur (V), Banaganapalli (M)	LSS (B) 165025 sqm	73,48,874/-	NIL	Demand Notice No. 33/Q2/2021, dt. 04.02.2022
6.	Sri S. Mohan Gandhi	Sy. No. 315/1A Palkur (V), Banaganapalli (M)	--	--	NIL	Machinery seized. FIR No. 8/2022, dt. 31.01.2022 at Nandivardham PS
7	Sri G. Sunkanna	Sy. No. USHB Yerragudi (V), Banaganapalli (M)	LSS © 20650 Sqm	22,96,280/-	NIL	Issued Demand Notice No. 2761-1to4/KSS©-Yerragudi/2022, dt. 28.03.2022
8	Sri C. Nagasubba	-do-	LSS © 36750 Sqm	40,86,600/-	NIL	
9	Sri C. Nagatimmaiah	-do-	LSS © 9100 Sqm	10,11,920/-	NIL	
10	Sri B. Yellasubbanna	-do-	LSS © 11900 Sqm	13,23,280/-	NIL	
11	Sri G. Mallikarjuna Reddy	Sy.no. 177/3C Palkur (V), Banaganapalli (M)	LSS © 42966 Sqm	28,66,692/-	NIL	Demand Notice No. 250/QL/2021, dt. 14.03.2022
12	Sri G. Srinivasulu	Sy.No. 251/6P Palkur (V), Banaganapalli (M)	LSS (B) 311640 Sqm	2,07,92,621/-		Criminal case filed on 02.02.2022. Demand Notice No. 480/QL/2020, dt. 28.03.2022
13	Sri Sk.Mahaboob Basha	Sy.No. 148/2A Krishnagiri (V), Banaganapalli (M)	Rehmatti 2058 Cbm	8,00,974/-	NIL	Issued Demand Notice No. 1363/QL/2021, dt. 14.03.2022
14	Sri V. Vekateswarlu	Sy. No. 292,294 of Palkur (V),	LSS (B) 35490 MT	NIL	NIL	Filed FIR No. 112/2019, SCN issued.

		Banaganapalli (M)				Filed WPNo. 12887/2022
15	Sri V. YellaNagaiah	-do-	LSS (B) 32133 MT	NIL	NIL	Filed FIR No. 112/2019, SCN issued. Filed WPNo. 13165/2022
16	Sri T.Vijeyudu	Sy. No. 307 of Palkur (V), Banaganapalli (M)	LSS (B) 7484.7 MT	NIL	NIL	Filed FIR No. 205/2020, SCN issued. Filed WP No. 12679/2022
17	Sri Narayana Reddy	Sy. No. USHB of Pathapadu (V), Banaganapalli (M)	LSS © 43750 Sqm	46,12,500/-	NIL	Filed FIR No.175/2019, Dated: 14.08.2019. Revision filed on 19.03.2021.
18	Sri Veera Bhadrapa	-do-	LSS © 12250 Sqm	16,51,500/-	NIL	
19	Sri B. Siva Shankar Reddy	-do-	LSS © 25725 Sqm	26,23,950/-	NIL	Filed FIR No.174/2019, Dated: 14.08.2019

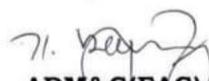
7, Further over all violators as per Suomoto application No.179/2021 are 29 in number and action will be initiated due course of time soon after getting report from the Vigilance & Enforcement and the Director of Mines & Geology, Ibrahimpatnam.

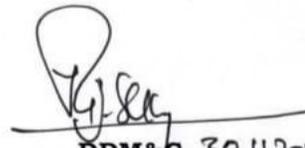
8. Further, it is submitted that in the year, 2013-14 the Mines Department Officials were inspected the illegal quarrying at Katikavanikunta road section and Six (06) encroachments were noticed and issued Show Cause & Demand notices. The defaulters approached the revisional authority and the authority given orders directing to collect the Seiginoirage fee amount. At present in the subject area, the illegal quarrying operations completely stopped due to regular watch and ward of Mines Department.

9. Further it is submitted that in rest of the areas (Gadivemula & Nandikotkuru mandalas) no mining illegal activity is noticed.

This is submitted for kind information.

Date- 30-11-2022


ADM&G(FAC),
Banaganapalle.


DDM&G, 30.11.2022
Kurnool.

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

From
Sri P.Venugopal, M.Sc,
Asst. Director of Mines & Geology,
Banaganapalle.

To
The Regional Vigilance
and Enforcement Officer,
Kurnool.

Letter No.898 /Vg/2019, Dated: 29-06-2020

Sir,

Sub: Mines & Quarries - O/o Assistant Director of Mines & Geology, Banaganapalle - Inspection on illegal quarrying of Limestone Slabs (Black) carried out by Sri A. Bramhaiah, Sy.No.1054 of Goruvimanipalli Village, Kolimigundla Mandal, Kurnool District and Avula Mahesh Sy.No.1214 of Gorumanipalli Village, Kolimigundla Mandal, Kurnool District - Certain information called for - information submitted - Reg.

Ref: -1. Lr No.Rc.No.1/AG/2021, Dated: 10.06.2021 of the Regional Vigilance and Enforcement Office, Kurnool.
2. This office Joint inspection report Dt. 23.02.2021.
3. This office Joint inspection report Dt. 09.06.2021.

-oOo-

I invite kind attention to the subject and reference cited, through the ref. 1st cited, the Regional Vigilance & Enforcement Officer, Kurnool has sought certain information on illegal quarrying in Sy.No.1054 & 1214 of Gorivimanipalli (V), Kolimigundla (M), Kurnool District and submit that wherein this office Technical Staff & Surveyor accompanied with the Regional Vigilance and Enforcement officials, Kurnool and with the Local Revenue Department officials have conducted Joint Survey and inspections on 23.02.2021 & 09.06.2021.

Through the reference 2nd cited the technical staff of this office has reported that the following officials have attended for Survey and inspection on illegal Quarrying area for L.S.S (Black) in Sy.No.1054 of Gorivimanipalle Village, Kolimigundla Mandal, Kurnool District.

Sl. No	Name of the officer	Designation	Office
1	Sri P. Nagaraju Yadav	IOP	RV&EO, Kurnool
2	Sri D.Siddaiah	Assistant Geologist	RV&EO, Kurnool
3	Sri Thirupathi Rao.I	Technical Assistant	ADM&G,BPL
4	Sri S.V.Narayana	Surveyor	ADM&G, BPL
4	Smt K. Sivaparvathi	VRO (Gorivimanipalle)	MRO office, Kolimigundla
5	Sri K. Venkata Subbaiah	JLM (Gorivimanipalle)	APSPDCL office, Kolimigundla

At the time of inspection, the surveyor of this office along with the above said officials have identified the subject illicit area with one working pit. And the surveyor informed that As per verification of this office records, Sri.A.Bhramaiah has not having any leased area in Sy.no:1054 of Petnikota (Village), H/o Gorvimanipalli Village, Kolimigundla Mandal, Kurnool District and they have taken the measurements excluding overburden.

Conti..2..

|| 2 ||

The measurements of the subject illegal pit are mentioned below

Sl. No.	L (m)	B (m)	H (m)	Volume (in Cbm)	(A) Recovery 45%	(B) Qty in MT(A*Sp.gr@ 2.5)
Pit	35	12	5	2,100	945	2,363

Further on enquiry of Sri Anand (daily labour) who is available at illegal area and he stated that Sri A. Brahmaiah, S/o Reddy Bankarajah resident of Gorivimanipalle Village is working with 04 Labourers along with one electrical cutting machine used for stone cutting. Further the JLM, Gorivimanipalle has also stated that the defaulter has consuming the electrical power which has utilised by the electrical motor cutting machines engaged in subject area. This office technical staff also arrive the penalty along with other amounts to be paid against the illegal excavated and transported quantity as per rule 26 (2) (1) of APMMC Rules, 1966 and G.O.Ms.No.35, I&C (M.II) Depart, dt; 01.07.2020 and details are as follows.

Name of the Illegal excavator	Evaded Qty in MTs	N.S Fee@ Rs.110/- per MT	10 times penalty	DMF@ 10%	Merit @ 2%	Total amount in Rs.
Sri A. Brahmaiah	2,363 MT	2,59,930	25,99,300	25,993	5,199	28,90,422

Through the reference 3rd cited the technical staff of this office has reported that following officials have attended for inspection and survey in Sy.No.1214 of Gorivimanipalli village of Kolimigundla (M), Kurnool District on illegal activity.

S.No	Name of the officer	Designation	Office
1	Sri D.Siddaiah	Assistant Geologist	RV&EO, Kurnool
2	Sri P.Nagaraju Yadav	Inspector of Police	RV&EO, Kurnool
3	Sri K. Murahari	Royalty Inspector	ADM&G, Bpl
4	Sri S.V.Narayana	Surveyor	ADM&G, Bpl
5	Sri K.Venkata subbaiah	J.L.M (Gorivimanipalli)	Sachivalayam, (Gorivimanipalli)
6	Sri K.Sivaparvathi	VRA (Gorivimanipalli)	MRO office, Kolimigundla

At the time of inspection, the Surveyor of this Office along with the above said officials have identified the subject illegal area with 02 working pits. And the surveyor informed that As per verification of this office records, Sri.Avula Mahesh has not having any leased area in Sy.no:1214 of Petnikota (Village),H/o Gorvimanipalli Village, Kolimigundla Mandal,Kurnool District and they have taken the measurements excluding overburden.

Contl..3..

:: 3 ::

The measurements of the subject illegal pits are as mentioned below:

Pit measurements (Excluding over Burden)				Total Volume In Cbm	(A) Recovery 45% Volume in Cbm	(B) Qty in MT (A*2.5 Sp.Gravity)
No.of Pit's	L	B	H			
Pit-1	14	11.5	3	483	271	678
Pit-2	14	8.5	1	119		
Total				602		

Further the Inspection team has enquired Sri Dhandu.Maddilety, S/o.Maddilety, aged 40 years resident of SC Colony,Gorivimanipalli Village, who is working in the Subject illegal area at the time of inspection and he stated that he has been working in the Subject area as per the instructions of Avula Mahesh on the payment of Rs.500/- per day. Further the JLM, Gorivimanipalli has also stated that the defaulter has consuming the electrical Power which was utilized by the electrical motor cutting machines engaged in subject area is from the 3-Phase transformer of Boya Srinivasulu.

In this connection, it is submitted that the defaulter has to be paid the amount to the government as per the as per G.O Ms No: 35, Dt: 01.07.2020 and as per Rule 26(2) of APMMC Rules, 1966 for illegal excavation and transportation of Limestone Slabs (Black) to a Quantity of ~~993~~ 678 MT.

Name of the Illegal excavator	Evaded Qty in MTs	N.S Fee@ Rs.110/- per MT	10 times penalty	DMF@ 10%	Merit @ 2%	Total amount in Rs.
Avula Mahesh	678 MT	74,580	7,45,800	7,458	1,492	8,29,330

Further the 45% recovery is taken into calculations as per approved mining plan nearest to the illegal area in Sy.No.1214 of Petnikota Village vide Lr.No.587/MP-BPL/2017, dt:20.04.2017 of DDM&G, Kurnool Quarry lease held by Sri B. Srinivasulu and also the inspection team has conducted a Panchanama. Further inform that the technical staffs has filed criminal cases against the illegal quarrying operators A.Brahmaiah and Avula Mahesh

In view of the above, the required information is prepared as per the information available in this office records and is submitted for further necessary action on A.Brahmaiah and Avula Mahesh cause to excavated and transportation of Limestone Slabs (Black) without documentary evidence as per the Rule 26 of APMMC Rules 1966.

This is submitted for favour of information.

Encl: Survey & Inspection reports



Yours faithfully,

P. Umrigar
Asst. Director of Mines & Geology,
Banaganapalle.

Copy submitted to the Director of Mines and Geology, Ibrahimpatnam for favour of information.
Copy submitted to the Deputy of Mines and Geology, Kurnool for favour of information.

FIRST INFORMATION REPORT
(Under Section 154 and 157 Cr.P.C) A.P.P.M. Orders 470,500

1. District : Kurnool P.S : Nandivargam Year : 2019 FIR No. 112/2019 Date : 29/08/2019

2. Acts & Section(s) : 379 IPC, 21(1) MMDARA, 2.6(2) APMMR, Rule - 1964

3. a) Occurrence of Offence : Day : _____ Date & Time From : _____

Date & Time To : _____ Prior To : 29/08/2019 20:00 Time Period : _____

b) Information Received at P.S. : Date & Time : 29/08/2019 20:00

c) General Diary Reference: Entry No : 19 Date & Time : 29/08/2019 20:00

4. Type of Information : Written

5. Place of Occurrence:

a) Distance and Direction From P.S. : About 12 Km, West Beat No. : Beat Nandivargam_0

b) Address Place : _____ Area/Mandal : _____ Street/Village : _____

Palukur _____ Banaganapalli _____ Palukur _____

City/District : Kurnool State : Andhra Pradesh PIN : _____

c) In case , outside the limit of this Police Station, then

Name of P.S. : _____ District : _____

6. Complainant / Informant :

a) Name : Murahari K

b) Father's / Husband's Name : venkateswarlu

c) Date/Year of Birth : _____ Age : 44

d) Nationality : Indian e) Caste : _____

f) Passport No : _____ Date of issue : _____ Place of issue : _____

g) Occupation : Govt. official Gazetted Mobile No : 9100687774

h) Address House No : _____ Area/Mandal : _____ Street/Village : _____

_____ Banaganapalli _____ Banaganapalli _____

City/District : Kurnool State : Andhra Pradesh PIN : _____

7. Details of known/suspected/unknown accused with full particulars :

Serial No : 1

a) Name : Yalla Nagaiah V

b) Father's /Husband's Name : _____ c) Occupation : _____

d) Caste : _____ e) Gender : Male f) Age : 0 Nationality : Indian

g) Address House No : _____ Street/Village : _____ Area/Mandal : _____

_____ Bethamcherla _____ Bethamcherla _____

City/District : Kurnool State : Andhra Pradesh PIN : 0

h) Phone(Off) : 0 Phone(Resi) : 0 Cell No : 0

i) Email : _____

Serial No : 2

a) Name : Venkateswarlu

b) Father's /Husband's Name : _____ c) Occupation : _____

d) Caste : _____ e) Gender : Male f) Age : 0 Nationality : Indian

g) Address House No : _____ Street/Village : _____ Area/Mandal : _____

_____ Bethamcherla _____ Bethamcherla _____

City/District : Kurnool State : Andhra Pradesh PIN : 0

h) Phone(Off) : 0 Phone(Resi) : 0 Cell No : 0

Physical features, deformities and other details of the Suspect :

S. No	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1	Male			0cm		
2	Male			0cm		

Deformalities/Peculiarities	Teeth	Hair	Eyes	Habit(s)	Dress Habit(s)	Languages/Dialect
8	9	10	11	12	13	14

Place Of				
Burn Mark	Leucoderma	Mole	Scar	Tattoo
15	16	17	18	19

8. Reasons for delay in reporting by the complainant / informant :

No Delay

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

This is a case of committed theft the Government land of Napa slabs (Illegal mining) by using missionaries that occurred prior to 29.08.2019 at 20-00 hours in the quarry Sy.No.292 & 294 of outskirts of Palukur village, Banaganapalli Mandal and reported in the P.S on the same day at 20-00 hours by the complainant K. Murahari, age: 44 yrs, S/o Venkateswarlu, Royalty Inspector, O/o ADMG, Banaganapalli wherein the accused V. Yalla Nagaiah, and his brother Ventateswarlu both are residents of Bethamcherla village and Mandal, went into the Government land in Sy.No.292 & 294 in the revenue limits of Palukur Village, Banaganapalli Mandal and conducting ill-legal mining operations in Napa Slab Quarries and A-1& A-2 committed theft of Napa Slabs (12,852.6 cubic meters), (14,196 cubic meters) by using each one cutting mission. The complainant along with staff of Vigilance and Enforcement and Revenue Department conducted panchanama and seized two cutting machines under a cover of Panchanama in presence of Panchayatdars. Hence F.I.R.

13. Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No : 1

1) Registered the case and took up the investigation or : Name : K HARI PRASAD

2) Directed to take up the investigation or Rank : Sub-Inspector No.

3) Refused investigation due to :

4) Transferred to P.S : District : on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.

R.O.A.C

Signature / Thumb impression of the complainant / informant.

[Handwritten signature]

Signature of Officer in charge, Police Station

[Handwritten signature]

Name : K HARI PRASAD

Rank : Sub-Inspector No.

15. Date and time of dispatch to the court : 29/08/2019 21:00

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o. Asst. Director of Mines and Geology,
Banaganapalle.

SHOW CAUSE NOTICE

Letter No.2037/VG-Bpl/2019

DT:15.03.2022

Sub: Mines & Quarries - Illegal Quarrying of L.S.S [Black] done by **Sri V.Venkateswarlu & his brother Sri V.Yella Nagaiah in Sy.No.292 & 294 of Palukur (V), Banaganapalle (M), Kurnool District - Certain breaches noticed - Show Cause Notice issued - Reg.**

Ref: 1) Joint Inspection conducted on 29.08.2019.
2) Memo No.5584299/Vg/2022, Dt: 07.03.2022 from the Director of Mines & Geology, Ibrahimpatnam.

Adverting to the subject and references cited, through the ref 1st cited, this office Technical staff accompanied with Regional Vigilance & Enforcement Officials, Kurnool and local Revenue department officials have conducted joint Survey & Inspection in the Illegal Quarrying of LSS Black being operated by **V.Venkateswarlu & his brother Sri V.Yella Nagaiah in Sy.No.292 & 294** that lies in the Northern side of the Quarry leased area held by Sri V.Yella Nagaiah in Sy.No.296/1 of Palukur(V).

Further the Technical Staff along with the Surveyor has taken the pit measurements excluding the Overburden in order to assess the total quantity of LSS Black excavated and transported by **Sri V.Venkateswarlu**, resident of Betamcherla from the subject illegal area at the time of inspection.

1) The details of the Pit measurements of the illegal area done by **Sri V.Venkateswarlu** is as mentioned in the below table.

Pit measurements (Excluding over Burden)				Total Volume in Cbm (A)	Qty in MT (A*2.5 Sp.Gravity)
No.of Pit's	L(m)	B(m)	H(m)		
Pit-3	55.9	49.6	5.12	14196	35,490

In view of the above it is stated that **Sri V.Venkateswarlu**, resident of Betamcherla has transported the mineral LSS (Black) to a tune quantity of 35,490 MT from the subject illegal area.

Further through the ref 2nd cited, the Director of Mines & Geology has instructed this Office to take necessary action in realizing the detected amount of Rs.8,45,79,768/- regarding the illegal Quarrying done by **Sri V.Venkateswarlu**, resident of Betamcherla in **Sy.No.292 & 294** of Palukur (V), Banaganapalle (M), Kurnool District as per the directions issued from Director General (V&E) Department.

In this connection **Sri V.Venkateswarlu** has to pay the penalty as per G.O.Ms No.35, Inds & Com Dept, Dt: 01.07.2020 and Rule 34(1) & 26(2)(1) of APMMC Rules, 1966 as the defaulter has transported the LSS Black to a Quantity of **35,490 MT** without any dispatch permits from the subject area.

Evaded Quantity	Normal Seig Fee @ Rs.110/- per MT	10 Times of NSF	DMF (10%)	Merit (2%)	Consideration Amount	Total Penalty
35,490 MT	Rs. 39,03,900/-	3,90,39,000	3,90,390	78,078	39,03,900	4,73,15,268

Contd...2..

Contd...2..

DESPATCHED
From 846 10848
on 15/03/2022

:: 2 ::

In this connection, it is to submit that the defaulter Sri V.Venkateswarlu has to pay the Price, Rent, royalty/tax for the disposed mineral from the subject area without lawful authority as per the Sec 21(5) of MMDR Act, 1957 in addition to the rule 26(2)(1) of APMMC Rules, 1966 and the details are as mentioned below:

Value of LSS Black per 1 Sft	Value per 1 MT (150 Sft) (A)	Evaded Quantity (B)	Market Value of the Mineral (A*B)
Rs. 7/-	Rs.1050/-	35,490 MT	Rs. 3,72,64,500/-

In view of the above circumstances, **Sri V.Venkateswarlu**, resident of Betamcherla is hereby directed to produce the documentary evidence in token of having paid Seig. fee particulars within 15 days from the date of receipt of this notice to this Office for transportation of Limestone Slabs (Black) to a tune Quantity of **35,490 MT** respectively from the illegal Quarrying area in **Sy.No.292 & 294** of Palukur Village, if failing which, necessary action will be initiated against you in question for the recovery of detected amount as per the rules in force.

J.V. Subba Redd
Asst. Director of Mines and Geology (FAC),
Banaganapalle.

To

Sri V.Venkateswarlu, S/o.V.Narayana, Near HP Gas office/ Near Uppu Neeti Baavi, Betamcherla (V&M), Kurnool District.

Copy submitted to

- *The Director of Mines and Geology, Ibrahimpatnam for favour of information.
- *The Deputy Director of Mines and Geology, Kurnool for favour of information.

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

15

SATURDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO
:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO
WRIT PETITION NO: 12887 OF 2022



Between:

V.Venkateswarlu, S/o.V.Narayana, Aged about 54 years, R/o. House near
H.P.Gas Office/ Near UppuneetiBavi, Bethamcherla Village and Mandal, Kurnool
District.

.... Petitioner

AND

1. State of Andhra Pradesh, represented by its Principal Secretary, Industries and Commerce Department, Secretariat Buildings, Velagapudi, Guntur District.
2. Director of Mines and Geology, Government of Andhra Pradesh, Ibrahimpatnam, Krishna District.
3. Deputy Director of Mines and Geology, Government of Andhra Pradesh, Kurnool.
4. Assistant Director of Mines and Geology, Banaganapalli, Kurnool District.

.... Respondents

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 a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the letter No.2037/VG-Bpl/2019 dt. 15-3-2022 issued by the Assistant Director of Mines and Geology, Banaganapalle as wholly illegal, arbitrary, pre-judged and violative of Articles 14, 19 and 21 of the Constitution of India and consequently declare that the petitioner is not liable to pay any amount as demanded by the respondents.

IA NO: 1 OF 2022

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 to suspend the letter No.2037/VG-Bpl/2019 dt. 15-3-2022 issued by the 4th respondent, i.e. the Assistant Director of Mines and Geology Banaganapalle, Pending disposal of WP 12887 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 upon hearing the arguments of Sri RAVI KONDAVEETI Advocate for the Petitioner and GP FOR Industries for Respondent Nos.1 to 4, Advocate for the Respondent, the Court made the following.

ORDER:

“The learned Government Pleader for Mines & Geology seeks time to obtain instructions as to whether any action has been taken against the official of the department in this area.

Post on 05.05.2022 in ‘motion list’.

In the meanwhile, no further steps shall be taken in pursuant to the show-cause notice bearing No.2037/VG-Bpl/2019, dated 15.03.2022, for a period of one week.”

Sd/-V.SATYANARAYANA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Industries and Commerce Department, Secretariat Buildings, Velagapudi, State of Andhra Pradesh, Guntur District.
2. Director of Mines and Geology, Government of Andhra Pradesh, Ibrahimpatnam, Krishna District.
3. Deputy Director of Mines and Geology, Government of Andhra Pradesh, Kurnool.
4. Assistant Director of Mines and Geology, Banaganapalli, Kurnool District. (1 to 4 by RPAD)
5. One CC to SRI. RAVI KONDAVEETI Advocate [OPUC]
6. Two CCs to GP FOR MINES AND GEOLOGY, High Court Of Andhra Pradesh. [OUT]
7. Two CCs to GP FOR Industries, High Court Of Andhra Pradesh. [OUT]
8. **One spare copy**

HIGH COURT

RRRJ

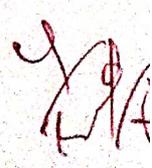
DATED:30/04/2022

POST ON 05.05.2022 IN MOTION LIST

ORDER

WP.No.12887 of 2022

DIRECTION



GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY

Office of the
Asst. Director of Mines and Geology,
Banaganapalle.



DEMAND NOTICE

No.404 /RVEO/2019-(2)

Dated: 25-03-2021

Sub: Mines & Quarries -Illegal quarrying for Lime stone slabs (Black) in Sy.No.306 of old Cherlopalli (V), Owk(M), Kurnool District - held by **Sri K.Bhaskar Reddy** - Reply not received to the issued Show Cause - Demand notice issued - Reg.

Ref:- 1) Joint Inspection Report, Dated: 20.06.2019.
2) Rc.No.159/C/2019, Dt. 29.07.2019 from the RV&EO,Kurnool.
3) Show Cause No: 404/RVEO/2019-(2), Dt:11.02.2021 of this Office.

The Attention of Sri K.Sreenivasa Reddy is invited to the subject and references cited, wherein the officials of Mines & Geology Department along with the RV&EO Officials, Kurnool and Revenue officials of Owk mandal have inspected the illegal quarrying area of Lime Stone Slabs(Black) in S.No.306 of old Cherlopalli(Vi) Owk (M), Kurnool(Dt) on 20.06.2019. During the course of inspection the said team enquired the labour about the illegal excavation. Further the labours stated that Sri K.Bhaskar Reddy have engaged the labour on daily basis for quarrying & Cutting of LSS (Black) since last four years. Further the inspection team has identified four illegal pits in S.No.306 of Cherlopalli(v), Owk(M), Kurnool District. Out of four illegal Pits, The surveyor has measured and estimated the quantities of excavated and transported mineral from the illegal pit that belong to Sri K.Bhaskar Reddy are as tabulated below.

Re-And Bawc
RE (
AUG
9/4/21

Name of the Excavator	Mineral location	Pit measurements				Total volume in Cbm	Recovery 60 % volume in Cbm	Qty in M.T. (A*2.5 Sp.Gravity)	Qty in Sq.mts (B*14 Sq.mts per tone)
			L	B	Depth				
Sri K. Bhaskar Reddy	Sy.No.306 of Old Cherlopalli (V), Owk (M)	Pit-1	15	12	2.5	450	270	675	9450
		Pit-2	15	20	3	900	540	1350	18900
		Pit-3	22	10	2.5	550	330	825	11550
		Total							39,900

Hence the Total Quantity of LSS Black excavated from the Subject Pit by Sri K.Bhaskar Reddy is 39,900 Sqm.

Further through the ref.2nd cited, the Regional Vigilance & Enforcement Office, Kurnool has directed this office to initiate steps to realize the evaded detection from Sri K.Bhaskar Reddy. Accordingly this Office vide ref 3rd cited issued Show Cause notice to Sri K.Bhaskar Reddy to submit an explanation for illegal transportation of LSS Black without dispatch permits issued by the concerned Authority. But no reply received from the defaulter.

Contd....2...

:: 2 ::

In this connection, the Defaulter Sri K.Bhaskar Reddy has to pay the penalty as per G.O.Ms No.37, Inds & Com, dt: 14.03.2016 and rule 26(2) of APMMC Rules, 1966. Further this office have enquired the other lease holders about the market value of the L.S.S (Black) and found that the market value of LSS (B) per **unit (100sft or 9.3sqm)** at the Quarry site is Rs.400/- and hence the market value per 1Sqm = Rs.43/-

Name of the lessee	Quantity excavated	Market value in Rs.43/- per Sqm	Double the Market value (A)	Fine upto 5 Lakhs (B)	Total Penalty in Rs. (A+B)
Sri K.Bhaskar Reddy	39,900 Sqm	Rs.17,15,700/-	Rs.34,31,400/-	5,00,000	Rs. 39,31,400/-

In view of the above, the defaulter **Sri K.Bhaskar Reddy** of Cherlopalli is hereby directed to pay the penalty amount of **Rs.39,31,400/-** for transportation of LSS Black without dispatch permits issued by the Concerned authority, failing which necessary action will be initiated as per APMMC Rules 1966/2016.

P. Gungopel
**Asst. Director of Mines and Geology,
 Banaganapalle.**

✓ **To**
Sri K.Bhaskar Reddy resident of old Cherlopalli (Vi), Owk(M) Kurnool District.

Copy submitted

The Director of Mines and Geology, **Ibrahimpatnam** for favour of information.
 The Regional V&E Officer, Kurnool for favour of information.
 The Dy. Director of Mines and Geology, **Kurnool** for favour of information.

FIRST INFORMATION REPORT

(Under Section 154 and 157 Cr.P.C)

A.P.P.M. Orders 470,500

1. District: Kurnool P.S. : Year: 2019 FIR No. 119/2019 Date: 20/05/2019

2. Acts & Section(s): 447, 375 IPC, 2013 MMCA

3. a) Occurrence of Offence: Date: 20/05/2019 Date & Time From: 20/05/2019 09:00 Date & Time To: Prior To: Time Period:

b) Information Received at P.S.: Date & Time: 20/05/2019 15:30

c) General Diary Reference: Entry No: 12 Date & Time: 20/05/2019 15:30

4. Type of Information: Written

5. Place of Occurrence:

a) Distance and Direction From P.S.: 06 Km, South Beat No.:

b) Address Place: Area/Mandal: Street/Village: Cherlopalli Village
in Sy.No.306 & 309 in the revenue limits of Old Cherlopalli Village Owk Mandal

City/District: Kurnool State: Andhra Pradesh PIN:

c) In case, outside the limit of this Police Station, then Name of P.S.: District:

6. Complainant / Informant:

a) Name: T Naveen Chandra Kumar

b) Father's / Husband's Name: T. Sriramulu

c) Date/Year of Birth: Age: 39

d) Nationality: Indian e) Caste:

f) Passport No: Date of issue: Place of issue:

g) Occupation: Govt. official Gazetted Mobile No: 9441190247

h) Address House No: Area/Mandal: Street/Village: Banaganapalli
Technical Assistant, A.D., Mines & Geology Department Banaganapalli

City/District: Kurnool State: Andhra Pradesh PIN:

7. Details of known/suspected/unknown accused with full particulars:

Serial No: 1

a) Name: Kudala Srinivasa Reddy

b) Father's / Husband's Name: c) Occupation:

d) Caste: e) Gender: Male f) Age: 48 Nationality: Indian

g) Address House No: Street/Village: Area/Mandal: Cherlopalli Village Owk Mandal

City/District: Kurnool State: Andhra Pradesh PIN: 0

h) Phone(Off): 0 Phone(Resi): 0 Cell No: 0

i) Email:

Serial No: 2

a) Name: Kudala Bhaskar Reddy

b) Father's / Husband's Name: c) Occupation:

d) Caste: e) Gender: Male f) Age: 35 Nationality: Indian

g) Address House No: Street/Village: Area/Mandal: Cherlopalli Village Owk Mandal

City/District: Kurnool State: Andhra Pradesh PIN: 0

h) Phone(Off): 0 Phone(Resi): 0 Cell No: 0

Physical features, deformities and other details of the Suspect :

S. No	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1	Male			0cm		
2	Male			0cm		

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habbit(s)	Dress Habit(s)	Languages/ Dialect
8	9	10	11	12	13	14

Place Of				
Burn Mark	Leucoderma	Mole	Scar	Tattoo
15	16	17	18	19

8. Reasons for delay in reporting by the complainant / informant :

No delay

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

occurred prior to 20.06.2019 at 09-00 hours in Sy.No.306 & 307 in the revenue limits of Old Cherlopalli Village, Owk Mandal and reported in the P.S., on the same day at 15-30 hours by the Complainant T. Naveen Chandra Kumar S/o T. Sriramulu, working as Technical Assistant, A.D., Mines wherein the accused A-1 Kudala Srinivasa Reddy Age 48 yrs and A-2 Kudala Bhaskar Reddy both are residents of Cherlopalli Village, Owk Mandal criminally trespassed into the Government land in Sy.No.306 & 309 in the revenue limits of Old Cherlopalli Village, Owk Mandal and conducting ill-legal mining operations in Napa Slab Quarries and A-1 committed theft of Napa Slabs (270 cubic meters) by using one cutting mission and A-2 committed theft of Napa Slabs (1900 cubic meters) by using four cutting missions. Hence the FIR.

13. Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No : 2

1) Registered the case and took up the investigation or : Name : C Venkata prasad HC 541

2) Directed to take up the Investigation or Rank : Head Constable No.

3) Refused investigation due to :

4) Transferred to P.S : District : on point of jurisdiction,

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and

a copy given to the complainant /informant, free of cost.

R.O.A.C

14. Signature / Thumb impression of the complainant / informant.

Signature of Officer in charge, Police Station 20/6/19

Name : C Venkata prasad HC 541

Rank : Head Constable No.

Date and time of dispatch to the court : 20/06/2019 17:00

FIRST INFORMATION REPORT
(Under Section 154 and 157 Cr.P.C)

A.P.P.M. Orders 470,500

District : Kurnool P.S : Nandivargam Year : 2020 FIR No. 205/2020 Date : 07/07/2020
 2. Acts & Section(s) : 447,379 IPC, 21(1) MMDARA, 25(2) MMC, 22(2) APMMC.
 3. a) Occurrence of Offence : Day : Tuesday Date & Time From : 07/07/2020 11 30
 Date & Time To : 07/07/2020 14 45 Time Period :
 b) Information Received at P.S. : Date & Time : 07/07/2020 18 00
 c) General Diary Reference : Entry No. : 19 Date & Time : 07/07/2020 18 00

4. Type of Information : Written
 5. Place of Occurrence :
 a) Distance and Direction From P.S. : About 12 Km, West Post No. : Post_Nandivargam_02
 b) Address Place : Area/Mandal : Banaganapalli Street/Village : Palukur
 City/District : Kurnool State : Andhra Pradesh PIN :

6. In case, outside the limit of this Police Station, then
 Name of P.S. : District :

7. Complainant / Informant :
 a) Name : Venkata Subbiah I
 b) Father's / Husband's Name :
 c) Date / Year of Birth : Age :
 d) Nationality : Indian e) Caste :
 f) Passport No. : Date of issue : Place of issue :
 g) Occupation : Govt. official / Gazetted Mobile No. : 9100678985
 h) Address : House No. : Area/Mandal : Banaganapalli Street/Village : Banaganapalli
 City/District : Kurnool State : Andhra Pradesh PIN :

8. Details of known/suspected/unknown accused with full particulars
 Serial No. : 1
 a) Name : Vijayudu T
 b) Father's / Husband's Name : T Kotiah c) Occupation :
 d) Caste : e) Gender : Male f) Age : 0 Nationality : Indian
 g) Address : House No. : Street/Village : Palukur Area/Mandal : Banaganapalli
 City/District : Kurnool State : Andhra Pradesh PIN : 0
 h) Phone(Off) : 0 Phone(Res) : 0 Cell No. : 0
 i) Local :

Physical features, deformities and other details of the Suspect :

S. No.	Sex	Date/Year of Birth	Build	Height (cm)	Complexion	Identification Marks(s)
1	2	3	4	5	6	
1	Male			0cm		

Deformities/ Peculiarities	Teeth	Hair	Eyes	Hand(s)	Dress Habits	Language	Other
8	9	10	11	12	13	14	15

Deformities/ Peculiarities	Teeth	Hair	Eyes	Habits(s)	Dress Habits(s)	
6	9	10	11	12	13	14
Place Of						
Dark Mark	Leucoderma	Mole	Scar	Tattoo		
15	16	17	18	19		



8. Reasons for delay in reporting by the complainant / informant :

No Delay

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :

Seized 04 cutting machines

10. Total value of property stolen :

11. Inquest Report/U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

This is a case of illegal mining in Government land and committed theft of Napa slabs (illegal mining) by using machinery that occurred on 07.07.2020 at 11.30 to 14.45 hrs in the quarry of Palukur village, Banaganapalli Mandal and reported in the P.S on same day at 18.00 hrs by the complainant / Venkata Subba Reddy, A.G. O/o Asst Director of Mines & Geology, Banaganapalli Mandal wherein the accused T. Vijayvard. S/o T. Kotaiah, of Palukur village Banaganapalli Mandal trespassed into the Government land in Sy.No.307/3A5 in the revenue limits of Palukur Village, Banaganapalli Mandal and conducting illegal mining operations in Napa Slab Quarries and committed theft of Napa Slabs by using two cutting machines with Motors and two cutting machines without motors, totally four cutting machines. The complainant along with staff of Vigilance and Enforcement and Revenue Department conducted Panchanama and seized 04 cutting machines under a cover of Panchanama in presence of Panchayatdars.

13. Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No :

1) Registered the case and took up the investigation or Name : JAGADEESWARA REDDY K

2) Directed to take up the investigation or Rank : Sub-inspector No.

3) Refused investigation due to :

4) Transferred to P.S : District : on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost. R.O.A.C

14 Signature / Thumb impression of the complainant / informant.

Signature of Officer in charge, Police Station

Name : JAGADEESWARA REDDY K

Rank : Sub-inspector No.

15. Date and time of dispatch to the court : 07/07/2020 10.00

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habit(s)	Dress Habit(s)
8	9	10	11	12	13
Place Of					
Burn Mark	Leucoderma	Mole	Scar	Tattoo	
15	16	17	18	19	

8. Reasons for delay in reporting by the complainant / Informant :

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :

one tractor bearing No. AP 21 TX 6277, trolley No. AP 21 TT 6278, and one Electrical motor cutting machine.

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

I submit that this is a case of illegal mining in Government land and committed theft of Napa slabs by using machinery that occurred on 31.01.2022 at 11.40 hrs in the quarries of Palukur village, Banaganapalli Mandal and reported in the P.S on same day at 15.30 hours wherein the accused Saladi Mohan Gandhi, S/o Pedda Maddilety, r/o Ramakrishnapuram village and two other persons into the Government land in Sy.No.315/1A in the revenue limits of Palukur Village, Banaganapalli Mandal and conducting ill-legal mining operations in Napa Slab Quarries and committed theft of Napa Slabs by using cutting machines. The complainant I.Venkata Subba Reddy, Asst Director, Mines & Geology, Banaganapalli town along with staff of Vigilance and Enforcement and Revenue Department conducted Panchanama and seized one tractor bearing No. AP 21 TX 6277, trolley No. AP 21 TT 6278, and one Electrical motor cutting machine under a cover of Panchanama in presence of Panchayatdars.

13. Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No : 1

- 1) Registered the case and took up the investigation or : Name : K.Fazulullah
 - 2) Directed to take up the Investigation or Rank : Assistant Sub-Inspector No.
 - 3) Refused Investigation due to :
 - 4) Transferred to P.S : District : on point of jurisdiction.
- F.I.R. read over to the complainant / Informant, admitted to be correctly recorded and a copy given to the complainant /informant, free of cost.
R.O.A.C

Signature of Officer in charge, Police Station
Nandivargu P.S.

14. Signature / Thumb Impression of the complainant / Informant.

Name : K.Fazulullah
Rank : Assistant Sub-Inspector No.

15. Date and time of dispatch to the court : 31/01/2022 16:30

FIRST INFORMATION REPORT
(Under Section 154 and 157 Cr.P.C)

A.P.P.M. Orders 470,500

27

1. District: Kurnool P.S: Banaganapalli Year: 2019 FIR No: 175/2019 Date: 14/08/2019

Acts & Sections(s): 447, 427, 370, w 34 IPC

3. a) Occurrence of Offence: Day: Date & Time From: Date & Time To: Prior To: 14/08/2019 12:30 Time Period:

b) Information Received at P.S.: Date & Time: 14/08/2019 16:30

c) General Diary Reference: Entry No: 18 Date & Time: 14/08/2019 16:30

4. Type of Information: 678

5. Place of Occurrence:

a) Distance and Direction From P.S.: 8 Km West Bent No.:

b) Address Place: Area/Mandal: Street/Village:

Malamma P. S. JERRY Banaganapalli mandal Pathapadu village

City District: Kurnool State: Andhra Pradesh PIN:

c) In case, outside the limit of this Police Station, then

Name of P.S.: District:

6. Complainant / Informant:

a) Name: Raja Manda

b) Father's / Husband's Name:

c) Date/Year of Birth: Age:

d) Nationality: Indian e) Caste:

f) Passport No: Date of issue: Place of issue:

g) Occupation: Mobile No: 9553271108

h) Address House No: Area/Mandal: Street/Village:

Banaganapalli town No Ward

City District: Kurnool State: Andhra Pradesh PIN:

7. Details of known/suspected unknown accused with full particulars:

Serial No: 1

a) Name: Narayana Reddy

b) Father's / Husband's Name: Chinna Venkata Reddy c) Occupation:

d) Caste: e) Gender: Male f) Age: 55 Nationality: Indian

g) Address House No: Street/Village: Area/Mandal:

Pathapadu village Banaganapalli mandal

City/District: Kurnool State: Andhra Pradesh PIN: 0

h) Phone(Off): 0 Phone(Resi): 0 Cell No: 0

i) Email:

Serial No: 2

a) Name: Venkateswara Reddy

b) Father's / Husband's Name: c) Occupation:

d) Caste: e) Gender: Male f) Age: 0 Nationality: Indian

g) Address House No: Street/Village: Area/Mandal:

Pathapadu village Banaganapalli mandal

City/District: Kurnool State: Andhra Pradesh PIN: 0

h) Phone(Off): 0 Phone(Resi): 0 Cell No: 0

i) Email:

1

Serial No : 3

a) Name : Veera Bhadrappa

b) Father's /Husband's Name :

e) Occupation :

d) Caste :

e) Gender : Male

f) Age : 0

Nationality : Indian

g) Address House No :

Street/Village :

Area/Mandal :

Meerapuram village

Banaganapalli mandal

City/District : Kurnool

State : Andhra Pradesh

P.S. No. :

h) Phone(OID) : 0

Phone(Resd) : 0

Cell No : 0

i) Email :

Physical features, deformities and other details of the Suspect :

S. No	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1	Male			0cm		
2	Male			0cm		
3	Male			0cm		

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habbit(s)	Dress Habit(s)	Languages/ Dialect
8	9	10	11	12	13	14

Place Of				
Burn Mark	Leucoderma	Mole	Scar	Tattoo
15	16	17	18	19

8. Reasons for delay in reporting by the complainant / informant :

No delay

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

This is a case of illegal mining criminal trespass in the mining area without any permission from the convened and theft lime stones slabs that occurred on prior to 14.08.2019 at 12.30 hours at Mallama biluku quarry outskirts of Pathapadu village, Banaganapalli mandal and reported in the P.S on 14.08.2019 at 16.30 hours where in the accused 1. Narayana Reddy, 2. Venkateswara Reddy both are r/o Pathapadu village, Banaganapalli mandal, 3. Veerabhadrapa of Meerapuram village, Banaganapalli mandal were criminally trespassed in the Govt. quarry illegally and conducting illegal mining in the said quarries, and committed theft of lime stone (Color) slabs without any license from the government authorities. The complainant Manda Raju, Royalty Inspector, O/o ADMG, Banaganapalli and some officials of mining officials conducting raids in the above said quarry in the presence of panchayathidars under cover of

Panchanama dated 14.08.2019 and he came to the P.S and presented a written report and with Panchanama dated 14.08.2019.

Action taken: Since The above information reveals commission of offence(s) U/t as mentioned at Item No : 1

- 1) Registered the case and took up the investigation or : Name : L. Sivanjal
- 2) Directed to take up the investigation or Rank : Sub-Inspector No.
- 3) Refused investigation due to :
- 4) Transferred to P.S : District : on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant, free of cost.
R.O.A.C

14. Signature / Thumb impression of the complainant / informant.

Signature of Officer in charge, Police Station

Name : L.Sivanjal

Rank : Sub-Inspector No.

15. Date and time of dispatch to the court :

To
The Hon'ble Minister for Mines & Geology,
A.P.Secretariat,
Velagapudi,
Krishna District.



Sir,

Sub:- Mines and Quarries- Illegal Quarrying Operations of Limestone Slabs (Colour) done by **Sri B.Narayana Reddy, S/o. B.Chinna Venkata Reddy** in Sy.No.USHB of Pathapadu(V), Banaganapalli (M), Kurnool District - Issued Demand Notice - Revision filed in form-J - Submitted - Reg.

I invite kind attention to the subject cited and inform that the Assistant Director of Mines & Geology, Banganapalli has issued Demand Notice on the subject illegal Quarry operated area vide Proc. No.2009/Vg/2019-1, Dt: 15.03.2021. In this connection I am herewith submitted Revision application within the stipulated time along with the relevant documents for kind information and further necessary action in the matter positively.

Yours faithfully,

B. Narayana Reddy
(B.Narayana Reddy)
Pathapadu(V), Banaganapalli (M),
Kurnool District.

Copy submitted to

- *The Director of Mines and Geology, Ibrahimpatnam for favor of information.
- *The Deputy Director of Mines and Geology, Kurnool for favor of information.
- *The Asst. Director of Mines & Geology, Banaganapalli for favor of information.

Encl: As above

Submitted to
AD for present.
20/3/21

SA

PA

~~FOA~~
~~DA~~

RE

P/S

20/3/21

1	Name and address of individual (s) Firm or company, applying.	:	Sri B.Narayana Reddy
2	Profession of individual (s), Firm of company	:	Business
3	No. and date of order of the ADM&G/ DDMG & DMG against which the appeal / revision application is filed (copy attached)	:	Proc.No. 2009/Vg/2019-1 , Dated: 15.03.2021 of the Asst.Director of Mines & Geology, Banaganapalli.
4	Minor Mineral for which the revision application is filed.	:	Limestone Slabs (Colour)
5	Details of the area in respect of which the Revision application is filed.	:	
	a) District	:	Kurnool
	b) Mandal	:	Banaganapalli
	c) Village	:	Pathapadu
	d) Sy.No.	:	USHB
	e) Total area Claimed	:	-
	(a map or plan of the area(s) to be enclosed)	:	Enclosed.
6	Whether application fee has been deposited in the prescribed in sub-rule 35-B Read with Rule 35-c (i) if so, the Treasury Receipt in Original should be attached.	:	Ch.No: 41428598372020, Dated: 19.03.2021 For Rs.1000/-
7	Whether the appeal / revision application has been filed with in time specified in Rule 35/35A, if not, the reasons for not presenting it within the prescribed limits as provided for in rules.	:	filed
8	Name and complete address of the party /Parties impleaded, under Rule 35-C of APMMC Rules 1966.	:	Asst.Director of Mines & Geology, Banaganapalli.
9	No. of copies of petitions / applications attached (rule 35-C (4) APMMC Rules, 1966.	:	3 copies
10	Grounds of appeal / revision	:	Separate sheet enclosed.
11	If the appeal / revision application has been filed by the holder or power of Attorney, the power of attorney to be attached.	:	No

Place : Banaganapalle

Date :

B. Narayana Reddy
Signature of the Applicant

1. District : Kurnool P.S. : Banaganapalli Year : 2019 FIR No. 174/2019 Date : 14/08/2019
2. Acts & Section(s) : 447, 427, 379 IPC, 9(B)(1)(b) EXPL. A
3. a) Occurrence of Offence : Day : _____ Date & Time From : _____
Date & Time To : _____ Prior To : 14/08/2019 12.30 Time Period : _____
- b) Information Received at P.S. : Date & Time : 14/08/2019 16.00
- c) General Diary Reference: Entry No : 15 Date & Time : 14/08/2019 16.00
4. Type of Information : Written
5. Place of Occurrence:
- a) Distance and Direction From P.S. : 8 Km. West Beat No. : _____
Street/Village : _____
- b) Address Place : _____ Area/Mandal : _____
Mallamma Biluku Banaganapalli mandal Yaganli road

- City/District : Kurnool State : Andhra Pradesh PIN : _____
- c) In case, outside the limit of this Police Station, then
Name of P.S. : _____ District : _____
6. Complainant / Informant :
- a) Name : Mahesh Kumar D
- b) Father's / Husband's Name : _____
- c) Date/Year of Birth : _____ Age : _____
- d) Nationality : Indian e) Caste : _____
- f) Passport No : _____ Date of issue : _____ Place of issue : _____
- g) Occupation : Police officer Mobile No : 9985693287
- h) Address House No : _____ Area/Mandal : _____ Street/Village : _____
Banaganapalli town No Ward
- City/District : Kurnool State : Andhra Pradesh PIN : _____
7. Details of known/suspected/unknown accused with full particulars :

- Serial No : 1
- a) Name : Siva Shankar Reddy Belagala
- b) Father's / Husband's Name : _____ c) Occupation : _____
- d) Caste : _____ e) Gender : Male f) Age : 0 Nationality : Indian
- g) Address House No : _____ Street/Village : _____ Area/Mandal : _____
Pathapadu village Banaganapalli mandal
- City/District : Kurnool State : Andhra Pradesh PIN : 0
- h) Phone(Off) : 0 Phone(Resi) : 0 Cell No : 0
- i) Email : _____

Physical features, deformities and other details of the Suspect :

S. No	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1	Male			0cm		

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habbit(s)	Dress Habit(s)	Languages/ Dialect
8	9	10	11	12	13	14



FIRST INFORMATION REPORT
(Under Section 154 and 157 Cr.P.C) A.P.P.M. Orders 470,500

1. District : Kurnool P.S. : Banaganapalli Year : 2019 FIR No. 175/2019 Date : 14/08/2019
2. Acts & Section(s) : 447,427,379 r/w 34 IPC
3. a) Occurrence of Offence : Day : _____ Date & Time From : _____
Date & Time To : _____ Prior To : 14/08/2019 12.30 Time Period : _____
- b) Information Received at P.S. : Date & Time : 14/08/2019 16.30
- c) General Diary Reference: Entry No : 18 Date & Time : 14/08/2019 16.30
4. Type of Information : iClick
5. Place of Occurrence:
- a) Distance and Direction From P.S. : 8 Km West Beat No. : _____
- b) Address Place : _____ Area/Mandal : _____ Street/Village : _____
Mallamma biluku quarry Banaganapalli mandal Pathapadu village
- City/District : Kurnool State : Andhra Pradesh PIN : _____
- c) In case , outside the limit of this Police Station, then
Name of P.S. : _____ District : _____
6. Complainant / Informant :
- a) Name : Raju Manda
- b) Father's / Husband's Name : _____
- c) Date/Year of Birth : _____ Age : _____
- d) Nationality : Indian e) Caste : _____
- f) Passport No : _____ Date of issue : _____ Place of issue : _____
- g) Occupation : _____ Mobile No : 9553271108
- h) Address House No : _____ Area/Mandal : _____ Street/Village : _____
_____ Banaganapalli town No Ward
- City/District : Kurnool State : Andhra Pradesh PIN : _____
7. Details of known/suspected/unknown accused with full particulars :
- Serial No : 1
- a) Name : Narayana Reddy
- b) Father's /Husband's Name : Chinna Venkata Reddy c) Occupation : _____
- d) Caste : _____ e) Gender : Male f) Age : 55 Nationality : Indian
- g) Address House No : _____ Street/Village : _____ Area/Mandal : _____
_____ Pathapadu village Banaganapalli mandal
- City/District : Kurnool State : Andhra Pradesh PIN : 0
- h) Phone(Off) : 0 Phone(Resi) : 0 Cell No : 0
- i) Email : _____
- Serial No : 2
- a) Name : Venkateswara Reddy
- b) Father's /Husband's Name : _____ c) Occupation : _____
- d) Caste : _____ e) Gender : Male f) Age : 0 Nationality : Indian
- g) Address House No : _____ Street/Village : _____ Area/Mandal : _____
_____ Pathapadu village Banaganapalli mandal
- City/District : Kurnool State : Andhra Pradesh PIN : 0
- h) Phone(Off) : 0 Phone(Resi) : 0 Cell No : 0
- i) _____

Email :

Serial No : 3

a) Name : Veera Bhadrappa

b) Father's /Husband's Name : e) Occupation :

d) Caste : c) Gender : Male D) Age : 0 Nationality : Indian

g) Address House No : Street/Village : Area/Mandal :

Meerapuram village Banaganapalli mandal

City/District : Kurnool State : Andhra Pradesh PIN : 0

h) Phone(Off) : 0 Phone(Res) : 0 Cell No : 0

i) Email :

Physical features, deformities and other details of the Suspect :

S. No	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1	Male			0cm		
2	Male			0cm		
3	Male			0cm		

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habbit(s)	Dress Habit(s)	Languages/ Dialect
8	9	10	11	12	13	14

Place Of				
Burn Mark	Leucoderma	Mole	Scar	Tattoo
15	16	17	18	19

8. Reasons for delay in reporting by the complainant / informant :

No delay

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :**10. Total value of property stolen :****11. Inquest Report/ U.D. Case No. if any :****12. Contents of the complaint / statement of the complainant or informant :**

This is a case of illegal mining criminal trespass in the mining area without any permission from the convened and theft lime stones slabs that occurred on prior to 14.08.2019 at 12.30 hours at Mallama biluku quarry outskirts of Pathapadu village, Banaganapalli mandal and reported in the P.S on 14.08.2019 at 16.30 hours where in the accused 1. Narayana Reddy, 2. Venkateswara Reddy both are r/o Pathapdu village, Banaganapalli mandal, 3. Veerabhadrapa of Meerapuram village, Banaganapalli mandal were criminally trespassed in the Govt. quarry illegally and conducting illegal mining in the said quarries, and committed theft of lime stone (Color) slabs without any license from the government authorities. The complainant Manda Raju, Royalty Inspector, O/o ADMG, Banaganapalli and some officials of mining officials conducting raids in the above said quarry in the presence of panchayathidars under cover of

panchanama dated 14.08.2019 and he came to the P.S and presented a written report along with Panchamana dated. 14.08.2019.

Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No : 1

- 1) Registered the case and took up the investigation or : Name : L.Sivanjal
- 2) Directed to take up the Investigation or Rank : Sub-Inspector No.
- 3) Refused investigation due to :
- 4) Transferred to P.S : District : on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant /informant, free of cost.

R.O.A.C

14. Signature / Thumb impression of the complainant / informant.

Signature of Officer in charge, Police Station

Name : L.Sivanjal

Rank : Sub-Inspector No.

15. Date and time of dispatch to the court :

1. District: Kurupoo P.S.: Kolimigunda Year: 2021 FIR No. 71/2021 Date: 23/02/2021

2. Acts & Sections: 21(1) MMDARA 26(2) MMR

3. a) Occurrence of Offence: Day: Tuesday Date & Time From: 23/02/2021 11.30
 Date & Time To: _____ Prior To: _____ Time Period: _____

b) Information Received at P.S.: Date & Time: 23/02/2021 20.45

c) General Diary Reference: Entry No: 16 Date & Time: 23/02/2021 20.45

4. Type of Information: Written

5. Place of Occurrence:
 a) Distance and Direction From P.S.: 12 Km, West Beat No.: _____
 b) Address Place: Area/Mandal: _____ Street/Village: _____
In Survey No.1054 at Gorvimanpalle Kolimigunda Gorvimanpalle village
 City/District: Kurupoo State: Andhra Pradesh PIN: _____

c) In case, outside the limit of this Police Station, then
 Name of P.S.: _____ District: _____

6. Complainant / Informant:
 a) Name: Inakollu Thirupathi Rao
 b) Father's / Husband's Name: Late Veeraiah
 c) Date/Year of Birth: _____ Age: 31
 d) Nationality: Indian e) Caste: _____
 f) Passport No: _____ Date of issue: _____ Place of issue: _____
 g) Occupation: Govt. official Gazetted Mobile No: 9573726036
 h) Address House No: _____ Area/Mandal: _____ Street/Village: _____
Asst Director Mines and Geology Banaganapalle Banaganapalle
 City/District: Kurupoo State: Andhra Pradesh PIN: _____

7. Details of known/suspected/unknown accused with full particulars:

Serial No: 1

a) Name: A Brahmaiah

b) Father's / Husband's Name: Reddy Sankaraiah c) Occupation: _____

d) Caste: _____ e) Gender: Male f) Age: 0 Nationality: Indian

g) Address House No: _____ Street/Village: _____ Area/Mandal: _____

City/District: _____ State: _____ PIN: 0

h) Phone(Off): 0 Phone(Resi): 0 Cell No: 0

i) Email: _____

Physical features, deformities and other details of the Suspect :

S. No	Sex	Date/Year of Birth	Build	Height (cms)	Complexion	Identification Marks(s)
1	2	3	4	5	6	7
1	Male			0cm		

Deformalities/ Peculiarities	Teeth	Hair	Eyes	Habbit(s)	Dress Habit(s)	Languges/ Dialect
8	9	10	11	12	13	14

Being on the complaint of Ramkrishna

For SL 107 PS

For Asst. Director of Mines & Geology
Banaganapalle.
23/02/2021

Height	Weight	Age	Complexion	Build	Handwritten	Signature	Initials
5	6	7	8	9	10	11	12
Place Of							
Burn Mark	Leucoderma	Mole	Scar	Tattoo			
15	16	17	18	19			

8. Reasons for delay in reporting by the complainant / informant :

No delay

9. Particulars of properties stolen/involved (Attach separate sheet, if necessary) :

seized one cutting Machine

10. Total value of property stolen :

11. Inquest Report/ U.D. Case No. if any :

12. Contents of the complaint / statement of the complainant or informant :

Occurred on 23.2.2021 at 1130 hrs In Survey No.1054 of Revenue land at Gorvimanpalle village, Kolimigundla Mandal and reported in the PS on 23.02.2021 at 20.45 hrs by the complainant Inakollu Tirupathi Rao, O/o Asst Director of Mines and Geology, Banaganapalle wherein the accused A. Brahmaiah s/o Reddy Sankaraiah of Gorvimanpalle village, Kolimigundla Mandal conducting ill-legal mines operation in Napa slab quermes in Survey No. 1054 of Revenue land by using one cutting machine. The complainant along with staff of Vigilance and Enforcement and Revenue Department conducted Panchanama and seized one cutting Machine under cover Panchanama in presence of Panchayathdars. Hence the FIR.

13. Action taken:

Since The above information reveals commission of offence(s) U/s as mentioned at item No : 2

1) Registered the case and took up the investigation or : Name : K.N.HARINATHA REDDY

2) Directed to take up the Investigation or Rank : Sub-Inspector No.

3) Refused investigation due to :

4) Transferred to P.S : District : on point of jurisdiction.

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant /informant, free of cost.
R.O.A.C

Signature of Officer in charge, Police Station

14. Signature / Thumb impression of the complainant / informant.

Name : K.N.HARINATHA REDDY

Rank : Sub-Inspector No.

15. Date and time of dispatch to the court :

23/02/2021 22:00

R.P.A.D

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o Asst. Director of Mines and Geology,
Banaganapalle.

SHOW CAUSE NOTICE

No. 250/QL/2021

Dated: 29.11.2021

Sub:-Mines and Quarries - Minor Minerals – Quarry lease Application of **Sri G.Mallikarjuna Reddy, S/o.G.Ramachandra Reddy** for the grant of Quarry Lease for Limestone Slabs (Black) over an extent of 1.954 Hectares (Patta Land) in Sy.No.177/3C of Palukur (V), Banaganapalli(M), Kurnool District – Grant proposals submitted – Inspection conducted - Quarrying operations were noticed – Recommended for Rejection of Quarry lease application - Reg.

Ref:- 1. QL Application of Sri G.Mallikarjuna Reddy, Dt: 18.02.2021.
2. This office Grant Proposals,file No.250/QL/2021,Dt:24.05.2013.
3. Inspection report of this Office Technical staff, Dt: 27.11.2021.

&&&

The attention of **Sri G.Mallikarjuna Reddy, S/o. G.Ramachandra Reddy** is invited to the subject and references cited and inform that through the reference 1st cited, **Sri G.Mallikarjuna Reddy, S/o. G.Ramachandra Reddy** has applied for the grant of Quarry lease for extraction of Limestone Slabs (Black) over an extent of 1.954 Hectares (Patta Land) in Sy.No.177/3C of Palukur (V), Banaganapalli (M), Kurnool District for a period of 10 years vide Meseva No:MN0620000325, Dt:04.02.2021 with required documents and the same was received by this Office on 18.02.2021.

Accordingly this Office has submitted proposals recommending for grant of Quarry lease in favour of **Sri G.Mallikarjuna Reddy** for extraction of Limestone Slabs (Black) over an extent of 1.954 Hectares (Patta land) in Sy.No.177/3C of Palukur (V), Banaganapalli(M), Kurnool District.

Further submit that this office Technical staff has inspected the subject QL Applied area on 27.11.2021 and found that the applicant has been conducting the Quarrying operations without obtaining any Grant orders from the Deputy Director of Mines & Geology, Kurnool. Further submit that the team has taken the Pit measurements (**excluding the Overburden**) to estimate the Quantity of LSS (Black) excavated and transported from the subject area.

Contd....2..

:: 2 ::

The Pit measurements are as follows:

Pit measurements (Excluding the Overburden) in meters			Total volume in Cbm	(A) 60% Recovery in volume	(B) Qty in M.T. (A*2.5 Sp.Gravity)	Qty in Sq.mts (B*14 Sqm)
L	B	Depth				
62	33	0.3	613.8	368.3	920.75	12,890.5

In view of the above, **Sri G.Mallikarjuna Reddy** is requested to submit the explanation within 15 days from the date of receipt of the issued Show Cause Notice as to why action should not be initiated against you for excavation and transportation of **12,890.5 Sqm** LSS Black from the Quarry lease applied area without any Prior grant orders as per Rule 12 of APMML Rules, 1966, failing which necessary action will be initiated as per APMML Rules, 1966.

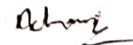

 29.11.2021
 Asst. Director of Mines & Geology (FAC),
 Banaganapalle.

Address of the lessee

Sri G.Mallikarjuna Reddy, S/o.G.Ramachandra Reddy, Palukur(V), Banaganapalli(M), Kurnool District.

Copy submitted

The Deputy Director of Mines and Geology, Kurnool for favour of information.



R.P.A.D

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o Asst. Director of Mines and Geology,
Banaganapalle.

SHOW CAUSE NOTICE

No.2034/IQ-Sunkesula/2021

Dated: 09.02.2022

Sub: Mines & Quarries – O/o. Asst. Director of Mines & Geology, Banaganapalle – Inspection of Limestone Slabs (Black) Illegal Quarrying in Sy.No. 326, 333 & 334 of Sunkesula(V), Owk(M), Kurnool District done by Sri Burugula Ramakoti of Sunkesula(V) – Show Cause Notice issued – Reg.

Ref: 1.Complaint of Smt.G.Kamamma, Dt: 30.11.2021.
2. Joint inspection report, Dt: **29.12.2021**

-oOo-

I invite attention to the subject cited and reference cited and informs that Smt. G.Kamamma, W/o.G.Sunkanna of Kolimigundla has given complaint stating that Myla.Suresh, Myla.Yerranna & Burugula Ramakoti are doing illegal excavations Limestone Slabs (Black) in Sy.No.334 of Sunkesula(V), Owk(M) without obtaining any prior permissions from the Dept of Mines & Geology/ Concerned Department.

In this connection, the Technical staff of O/o. Regional Vigilance Squad, Kurnool & O/o. The Asst. Director of Mines & Geology, Banaganapalle along with the Owk Mandal Revenue Department officials have jointly inspected Quarrying area for LSS Black illegal held by you in the subject area on 29.12.2021 with the assistance of Policemen, Owk P.S.

During the course of inspection, the team has found illegal excavations done with the help of labours and Cutting Machines. Mean while the Surveyors of the team have identified the subject illegal Quarrying area falls in Sy.No.326, 333 & 334 of Sunkesula(V), Owk(M), Kurnool District and found that there is no leases granted in the subject area as per the available office records. Further the team has found 7 LSS Black working Pits in the subject area and have taken the measurements of the existing Pits (excluding the Overburden) in order to estimate the total Quantity of LSS Black excavated and transported from the subject area. Further the team has confirmed that 47,524.175 Cbm/16,63,346 Sqm of Limestone Slabs (Black) was excavated and transported from Sy.No.326, 333 & 334 of Sunkesula(V), Owk(M), Kurnool District.

Contd....2..

:: 2 ::

The measurement details of the existing pits are as in the below table:

Sy. No.	Pit No	Measurement of the Pits		Total Quantity of Excavated mineral in Cubic Meters
		Area of the Pit (in Sqm)	Avg depth of the Pit (in Meters)	
326	1	3279	3.7	12132.300 Cbm
333	1	972	2.20	2138.400
	2	2388	3.83	9146.040
	3	1278	3.2	4089.600
Total Mineral excavated from Sy.No.333				15374.040 Cbm
334	1	3398	1.5	5097.000
	2	3936	3.4	13382.400
	3	799	1.925	1538.075
Total Mineral excavated from Sy.No.334				20017.475 Cbm
Total				47523.815 Cbm
Total Net Mineral excavated from the total subject illegal area (Sy.No.326,333 & 334)=47523.815X60%X2.5X14				998000.115 Sq.m

Further the team has found 3 Electrical Motor Cutting Machines used for Cutting Limestone Slabs and 2 Tractors loading with Slabs in the subject area. The same machinery and the two tractors were Seized and kept in the Owk P.S for safe Custody. On enquiry, the labours present in the subject area informed that Sri Burugula Ramakoti has been doing illegal Quarrying of LSS Black in the subject area.

In this connection the ADM&G(FAC), O/o.Regional Vigilance Squad has filed the Criminal case against the defaulter Sri Burugula Ramakoti under Rule 26(2) of APMMC Rules,1966, 21(1) of MMDR Act,1957 and Sec 397 of IPC for illegal excavation & transportation of Limestone Slabs (Black) from Sy.No.326, 333 & 334 of Sunkesula(V), Owk(M), Kurnool District without any prior permission from the concerned Departments as per the rule 12 of APMMC Rules,1966.

In view of the above, Sri Burugula Ramakoti is requested to submit the explanation within 15 days from the date of receipt of the issued Show Cause Notice as to why action should not be initiated against you for excavation and transportation of **998000.115 Sq.m** LSS Black from the subject illegal quarry area without any Prior grant orders as per Rule 12 of APMMC Rules,1966, failing which necessary action will be initiated as per APMMC Rules, 1966.

J.V. SubbarReddy 9.2.2022
Asst. Director of Mines & Geology (FAC),
Banaganapalle.

Address of the lessee :

Sri Burugula Ramakoti s/o thunta ramudu, H.No.3-34 Sunkesula(V), Owk(M), Kurnool District- 518122.

Copy submitted The Deputy Director of Mines and Geology, Kurnool for favour of information.

Copy submitted The ADM&G(RVS), Kurnool for favour of information.

BY RPAD

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o. Asst. Director of Mines and Geology,
Banaganapalle.

SHOW CAUSE NOTICE

Letter No.4180/QL/2018

Dt:15.03.2022

Sub: Mines & Quarries - Quarry lease applied area for **L.S.S [Black]** over an extent of **0.512 Hects** in Sy.No.307/3A5 of Palukur (V), Banaganapalle (M), Kurnool District - Application of **Sri T.Vijayudu** - Certain breaches noticed - Show Cause Notice issued - Reg.

Ref: 1) Quarry lease application of Sri T.Vijayudu, Dt: 01.10.2019.
2) Memo No.4568/Q2/2019, Dt:31.10.2019 of the DM&G, Kurnool.
3) Joint Inspection conducted on 07.07.2020.
4) Memo No.5583782/Vg/2022, Dt: 07.03.2022 from the Director of Mines & Geology, Ibrahimpatnam.

Adverting to the subject and references cited, through the ref 1st cited, Sri T.Vijayudu has applied for the grant of Quarry lease for extraction of **Lime Stone Slabs [Black]** over an extent of **0.512 Hectares** in in Sy.No.307/3A5 of Palukur (V), Banaganapalle (M), Kurnool District and the same was received in this office on 04.10.2019.

Further this office has submitted proposals to the Deputy Director of Mines & Geology, Kurnool recommending for grant of Quarry lease in favour of Sri T.Vijayudu for extraction of **Lime Stone Slabs [Black]** over an extent of **0.512 Hectares** in in Sy.No.307/3A5 of Palukur (V), Banaganapalle (M), Kurnool District. Subsequently vide ref 2nd cited, the DDM&G, Kurnool has issued LoI over the subject area and requested to submit approved Mining plan along with Consent for Establishment from Pollution Control Board and Environmental Clearance from MoEF with in a period of one year from the date of issue of the notice as mentioned in the ref 2nd cited.

Through the ref.3rd cited this office Technical staff accompanied with Regional Vigilance & Enforcement Officials, Kurnool and local Revenue department officials have conducted joint Survey & Inspection in the Quarry lease applied area of Sri T.Vijayudu and conducted Panchanama. Further the Technical Staff along with the Surveyor has taken the pit measurements excluding the Overburden in order to assess the excavated mineral quantity from **Sy.No.307/3A5** of Sri T.Vijayudu. The details are as below.

Pit measurements (Excluding over Burden)				Total Volume in Cbm.	Qty in MT (Volume*2.5 Sp.Gravity)
No.of Pit's	L(m)	B(m)	H(m)		
Pit-1	33	26	1	858	
Pit-2	59	29.25	3.4	5867.55	
Pit-3	537.77		3.4	1828.418	
TOTAL				8553.968	21,384.92

In view of the above it is stated that Sri T.Vijayudu has illegally excavated and transported the mineral LSS (Black) to a Quantity of **21,384.92 MTs** from the QL applied area without any dispatch permits issued by the ADM&G Concerned.

Contd...2..

DESPATCHED

From 836 To 838

on 15/03/2022

:: 2 ::

Further through the ref.4th cited, the Director of Mines & Geology has instructed this Office to take necessary action in realizing the detected amount of **Rs.5,09,64,541/-** regarding the Quarry lease applied area of Sri T.Vijayudu in Sy.No.307/3A5 of Palukur (V), Banaganapalle (M), Kurnool District as per the directions issued from Director General (V&E) Department.

In this connection **Sri T.Vijayudu** has to pay the penalty as per G.O.Ms No.35, Inds & Com Dept, Dt: 01.07.2020 and Rule 34(1) & 26(2)(1) of APMMC Rules, 1966 as the defaulter has transported the LSS Black to a Quantity of **21,384.92 MTs** without any dispatch permits from the subject area.

Evaded Quantity	Normal Seig Fee @ Rs.110/- per MT	10 Times of NSF	DMF (10%)	Merit (2%)	Consideration Amount	Total Penalty
21,384.92 MTs	Rs. 23,52,341/-	2,35,23,410	2,35,234	61,063	47,047	2,85,71,438

28624389
2352341
26219045

Further submit that price/value of LSS Black mineral per 1 Sft is Rs.7/- and hence value of the mineral per 1 MT (150 Sft) is Rs.1050/-

In this connection, it is to submit that the defaulter Sri T.Vijayudu has to pay the Price, Rent, royalty/tax for the disposed mineral from the subject area without lawful authority as per the Sec 21(5) of MMDR Act,1957 in addition to the rule 26(2)(1) of APMMC Rules,1966 and the details are as mentioned below:

Value of LSS Black per 1 Sft	Value per 1 MT (150 Sft) (A)	Evaded Quantity (B)	Market Value of the Mineral (A*B)
Rs. 7/-	Rs.1050/-	21,384.92 MTs	Rs. 2,24,54,166/-

Further the Technical team has noticed the following breaches during the inspection :

1. The lessee has not erected the boundary pillars around the leased area as required under sub-rule (vi) of Rule 31 and sub-rule (2) of Rule 28 of APMMC Rules, 1966.
2. The lessee has not submitted E.C., C.F.E. and C.F.O.

In view of the above circumstances, **Sri T.Vijayudu** is hereby directed to produce the documentary evidence in token of having paid Seig.fee particulars within 15 days from the date of receipt of this notice to this Office for transportation of **21,384.92 MTs** Limestone Slabs (Black) from the Quarry leased applied area, if failing which, necessary action will be initiated against you in question for the recovery of detected amount as per the rules in force.

J.V. Subba Reddy 15.3.2021
Asst. Director of Mines and Geology (FAC),
Banaganapalle.

To
Sri T.Vijayudu, S/o.T.Kotaiah, H.No:10-196, Near Agriculture Office,
Betamcherla (V&M), Kurnool District.

Copy submitted to

- *The Director of Mines and Geology, Ibrahimpatnam for favour of information.
- *The Deputy Director of Mines and Geology, Kurnool for favour of information.

GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY

R.P.A.D

O/o Asst. Director of Mines and Geology,
Banaganapalle.

No.480/QL/2020

DEMAND NOTICE

Dated 28/03/2022

Sub:- Mines and Quarries - Minor Minerals - Quarry lease Application of Sri G.Srinivasulu for the grant of Quarry Lease for Limestone Slabs (Black) over an extent of 0.404 Hectares in Sy.No.251/6P of Palukur Village, Banaganapalli(M), Kurnool District - Inspection conducted - Quarrying operations were noticed - Show cause Notice issued - Reply not given to the Show Cause Notice - **Demand Notice issued** - Reg.

- Ref:-
1. QL Application of Sri Gogula Srinivasulu, Dt: 27.02.2020.
 2. Inspection report of this Office Technical staff, Dt: 02.02.2022.
 3. This Office Show Cause Notice: 480/QL/2020, Dt: 03.02.2022.

&&&

Adverting to the subject and references cited above and submit that Sri G.Srinivasulu has applied for the grant of Quarry lease for extraction of Limestone Slabs (Black) over an extent of 0.404 Hectares in Sy.No.251/6P of Palukur(V), Banaganapalli (M), Kurnool District for a period of 10 years on 27.02.2020 through Meseva. In this connection, this Office Technical staff along with this Office Surveyor has accompanied with the Revenue Dept officials, Banaganapalli to inspect the subject QL applied area on 02.02.2022.

During the course of inspection, the Technical staff has noticed that the applicant has been conducting the Quarrying operations without obtaining any Grant orders from the Deputy Director of Mines & Geology, Kurnool as per Rule 12 of APMMC Rules, 1966.

Further The Technical staff has taken the Pit measurements (**excluding the Overburden**) with with recovery of 60% as per the nearest Approved Mining Plan to assess the profitable Quantity of LSS (Black) excavated and transported from the subject area. The Pit measurements are as follows:

Pit No:	Pit measurements in meters			Total volume in Cbm	(A) 60% recovery in volume	(B) Qty in M.T. (A*2.5 Sp.Gravity)	Qty in Sq.mts (B*14 Sqm)
	L	B	Depth				
1	52	36	3	5616	8904	22,260	3,11,640 Sqm
2	44	24	4	4224			
3	40	25	5	5000			
TOTAL				14,840			

Contd...2...

DESPATCHED

From 831 To 833

on 28/03/2022

Further the Technical staff has submitted that the applicant **Sri Gogula Srinivasulu** has excavated and transported **3,11,640 Sqm** of LSS Black from the Quarry lease applied area without any Prior Permission from the concerned authorities which is a violation to Rule 12 & 26(2) of APMMC Rules, 1966/2016(Amended).

In this regard, vide ref 3rd cited this office has issued Show Cause Notice to **Sri Gogula Srinivasulu** regarding the illegal excavation and transportation of **3,11,640 Sqm** LSS Black from the Quarry lease applied area without any Prior grant orders till the date of inspection. But the applicant has neither submitted documentary evidence for the excavated Quantity nor given reply to the issued Show Cause Notice so far.

In this connection, **Sri Gogula Srinivasulu** has to pay the penalty as per G.O.Ms No.35, Ind. & Comm., dt: 01.07.2020 and sub rule (1) of 34 of APMMC Rules, 1966 as the lessee has excavated and transported **3,11,640 Sqm** LSS Black from the Quarry lease applied area without any Prior grant orders. The demanded amount arrived are as follows.

Evaded Quantity	Normal Selg Fee @ Rs.6/- per Sqm	10 Times of NSF	DMF (10%)	Merit (2%)	Total Penalty in Rs.
3,11,640 Sqm	18,69,840/-	1,86,98,400/-	1,86,984/-	37,397/-	2,07,92,621

In view of the above, **Sri Gogula Srinivasulu** is hereby directed to pay the penalty amount of **Rs.2,07,92,621/-** for illegal excavation and transportation of **3,11,640 Sqm** LSS Black from the Quarry lease applied area without any Prior grant orders, if failing which necessary action will be initiated as per APMMC Rules 1966/2016 and mineral revenue will be collect under RR Act 1864.

A.V. Subbaney 28.3.2022.
Asst. Director of Mines and Geology (FAC),
Banaganapalle.

Address of the lessee

Sri Gogula Srinivasulu, S/o. G.Maddamma, H.No.5/203, Palukur(V), Banaganapalli(M), Kurnool District.

Copy submitted to

The Director of Mines & Geology, Ibrahimpatnam for favour of information.
The Deputy Director of Mines and Geology, Kurnool for favour of information.

R.P.A.D

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o Asst. Director of Mines and Geology,
Banaganapalle.

DEMAND NOTICE**No.1363/QL/2021****Dated: 14.03.2022**

Sub: Mines & Quarries – O/o. the Asst. Director of Mines and Geology, Banaganapalle – Inspected the Quarry Lease applied area of Shaik Mahaboob Basha for **Rehmatti** over an extent of 1.00 Hects in Sy. No.148/2A of Krishnagiri (V), Banaganapalli(M), Kurnool District - Illegal excavations noticed - Show Cause Notice issued - Reply not Submitted - Demand Notice issued - Reg.

- Ref:** 1. QL application of Shaik Mahaboob Basha, dt:25.08.2021.
2. This office Technical staff inspection report dated:19.01.2022.
3. This Office Show Cause Notice: 1363/QL/2021, Dt:24.01.2022.

&&&

The attention of **Shaik Mahaboob Basha** is invited to the subject and references cited and it is to informed that through the ref.1stcited, **Sri Shaik Mahaboob Basha Shaik** has applied for the grant of Quarry lease for excavation of Rehmatti Mineral over an extent of 1.00 Hectares in Sy.No.148/2A of Krishnagiri (V), Banaganapalli(M), Kurnool District through MeSeva vide MN0621001081, Dt:25.08.2021. Further this Office has requested the Tahsildar, Banaganapalli to issue the classification and availability of the land and issue of NOC regarding the said application.

In this regard, this Office Technical staff has inspected the Rehmatti QL applied area on 19.01.2022 in Sy.No.148/2A of Krishnagiri (V), Banaganapalli(M), Kurnool District. They have observed 2 Worked out pits and taken the measurements to estimate the total Quantity of Rehmatti excavated & unauthorized transportation from the subject QL applied area. The details of the Pit measurements (excluding 1m of Overburden – Black Cotton Soil & Clay bed) are as follows:

Pit No	Length in mts	Breadth in mts	Depth in mts	Total Volume in Cbm
1	35	15	2	1050
2	42	12	2	1008
Total				2058 Cbm

Hence it is construed that the applicant has excavated & transported the mineral Rehmatti illegally to a Quantity of **2058 Cbm** without prior permission from the competent authority which is a violation to Rule 12 of APMMC Rules, 1966.

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In this regard, vide ref 3rd cited this office has issued Show Cause Notice to **Sri Shaik Mahaboob Basha** regarding the illegal transportation of **2058 Cbm** Rehmatti from the subject area. But the defaulter has not yet given any reply to the issued Show Cause Notice.

In this connection, **Sri Shaik Mahaboob Basha** has to pay the penalty as per G.O.Ms No.35, Ind. & Comm., dt: 01.07.2020 and sub rule (1) of 34 of APMMC Rules, 1966 as he has transported the Mineral Rehmatti to a Quantity of **2058 Cbm** without any Prior grant orders which is a violation to Rule 12 & 26(2) of APMMC Rules, 1966. The demand amount arrived as follows.

Evaded Quantity	Normal Seig Fee @ Rs.35/- per Cbm	10 Times of NSF	DMF (10%)	Merit (2%)	Total Penalty
2058 Cbm	72,030	7,20,300	7,203	1,441	8,00,974

In view of the above, **Sri Shaik Mahaboob Basha** is hereby directed to pay the penalty amount of **Rs. 8,00,974/-** for the unauthorized transportation of Mineral Rehmatti to a Quantity of **2058 Cbm** without obtaining prior grant orders from the concerned authority, if failing which, necessary action will be initiated as per APMMC Rules 1966/2016 and the mineral revenue in the collect under R.R Act, 1864.

J.V. Subbarreddy 20-3-2022
Asst. Director of Mines and Geology (FAC),
Banaganapalle.

To

Sri Shaik Mahaboob Basha, S/o.Shaik Bada Sab, Rampadu(V), Chennavaram, Cuddapah(Dt).

Copy submitted

The Deputy Director of Mines and Geology, Kurnool for favour of information.

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o Asst. Director of Mines and Geology,
Banaganapalle.

DEMAND NOTICE

No.33/Q2/2021

Dated: 11.04.2022

Sub:-Mines and Quarries - Minor Minerals - Quarry lease Application of **Smt M.Jayamma, W/o. M.Prabhakar Reddy** for the grant of Quarry Lease for Limestone Slabs (Black) over an extent of 0.420 Hectares in **Sy.No.304/2A of Palukur (V), Banaganapalli (M), Kurnool District - Grant proposals submitted - LoI Issued - Quarrying operations were noticed - Show Cause Notice issued- Reply submitted -Considered the reply -Demand notice issued -Reg.**

- Ref:-**
1. QL Application of **Smt M.Jayamma**, Dt: 04.10.2019.
 2. This office Grant Proposals, No:2306/QL/2019,Dt:30.12.2020.
 3. Inspection report of this Office Technical staff, Dt: 03.02.2022.
 4. This office Show cause Notice No.33/Q2/2021 Dt.04.02.2022.
 5. Representation of Smt M.Jayamma, Dt:08.04.2022.

&&&

The attention of **Smt M.Jayamma, W/o.M.Prabhakar Reddy** is invited to the subject and references cited and inform that through the reference 1st cited, Smt M.Jayamma has applied for the grant of Quarry lease for extraction of Limestone Slabs (Black) over an extent of 0.420 Hectares in Sy.No.304/2A of Palukur (V), Banaganapalli (M), Kurnool District for a period of 10 years. Accordingly this Office has submitted proposals for grant of Quarry lease in favour of Smt M.Jayamma for extraction of Limestone Slabs (Black) over an extent of 0.404 Hectares in Sy.No.304/2A of Palukur (V), Banaganapalli(M), Kurnool District vide ref 2nd cited.

In this regard, the DDM&G, Kurnool has issued LoI for the subject Quarry lease applied area and further requested Smt M.Jayamma to submit AMP, EC, CFO & CFE within the stipulated period (1 year) vide Notice No:33/Q2/2021, Dt: 19.01.2021.

In this connection vide ref 3rd cited, this Office Technical staff accompanied with the Asst.Director of Mines & Geology (FAC), Banaganapalli to inspect the subject LoI granted area on **03.02.2022** and noticed that the applicant has been conducting the Quarrying operations without obtaining any Grant orders from the Deputy Director of Mines & Geology, Kurnool under Rule 12 of APMMC Rules,1966. Further submit that the team has taken the Pit measurements (**excluding the Overburden**) to assess the excavated and transported Quantity of LSS (Black) from the subject area. The Pit measurements are as follows:

Pit measurements in meters			Total volume in Cbm	(A) 50% Recovery in volume	(B) Qty in M.T. (A*2.5 Sp.Gravity)	Qty in Sq.mts (B*14 Sqm)
L	B	Depth				
115	41	2	9430	4715	11,787.5	1,65,025

Further the technical staff has reported that the applicant **Smt M.Jayamma, W/o.M.Prabhakar Reddy** has excavated and transported **1,65,025 Sqm** of LSS Black from the Quarry lease applied area without any Prior grant orders which is a violation to Rules 12 & 26(2) of APMMC Rules,1966/2016(Amended).

In this regard, vide ref 4th cited this office has issued Show Cause Notice to **Smt M.Jayamma, W/o.M.Prabhakar Reddy** regarding the illegal transportation of **1,65,025 Sqm** of LSS Black from the **LoI issued area**.

Contd...2...

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Further inform that Smt M.Jayamma has submitted her explanation to the issued notice stating that the subject applied area was previously under Quarry lease which was **part transferred** in favour of **Smt V.Lakshmi Devi** from the Original Quarry lease holder Sri V.Rajasekhar Reddy vide Proc.No.2943/Q2/2014, Dt:30.09.2014 of the DDM&G, Kurnool and the same was executed by the ADM&G, Banaganapalli vide Proc.No. 5036/TQL/2013,Dt:25.10.2014 for the unexpired portion of the lease period i.e.,up to 28.02.2018. Further the applicant has stated that Smt V.Lakshmi Devi has obtained the dispatch permits to a Quantity of **54,880 Sqm** during her tenure from the subject part transferred area and further Smt M.Jayamma requested this office to consider the same.

In this connection, **Smt M.Jayamma** has to pay the penalty as per G.O.Ms No.35, Ind. & Comm., dt: 01.07.2020 and sub rule (1) of 34 of APMMC Rules, 1966 as the defaulter has transported the LSS Black to a Quantity of **1,10,145 Sqm** (1,65,025 -54,880 Sqm) without any Prior grant orders which is a violation to Rule 12 & 26(2) of APMMC Rules, 1966. The demanded amount arrived are as follows.

Evaded Quantity (Sqm)	Normal Seig Fee @ Rs.6/- per Sqm	10 Times of NSF	DMF (10%)	Merit (2%)	Total Penalty
1,10,145	6,60,870	66,08,700	66,087	13,217	Rs.73,48,874/-

In view of the above, **Smt Challa Lakshmi Sunitha, W/o.Challa Chinnaiah** is hereby directed to pay the penalty amount of **Rs.73,48,874/-** for transporting the LSS Black to a Quantity of **1,10,145 Sqm** without obtaining any dispatch permits issued by the concerned authority, if failing which necessary action will be initiated against you as per APMMC Rules 1966/2016 and mineral revenue will be collect under RR Act 1864.

A.V. Subbareddy 11/11/2022

Asst. Director of Mines & Geology (FAC),
Banaganapalle.

Address of the lessee

Smt M.Jayamma, W/o.M.Prabhakar Reddy, H.No:2-4, Bytipeta, Betamcherla(V&M), Kurnool District.

Copy submitted to

The Director of Mines & Geology, Ibrahimpatnam for favour of information.

The Deputy Director of Mines and Geology, Kurnool for favour of information.

BY RPAD

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o.Asst. Director of Mines and Geology,
Banaganapalle.

DEMNAD NOTICE

No. 2761-1/LSS@-Yerragudi/2022

Dt: 16.05.2022

Sub: Mines & Quarries - O/o. the Asst. Director of Mines &Geology, Banaganapalli - Conducted Inspection on illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District for Limestone Slabs (Colour) - excavations done by **Sri Gokula Sunkanna** - Issued Show Cause Notice - Reply not given to the Show cause Notice - Demand Notice issued - Reg.

Ref: 1.This Office Technical staff Inspection Report Dt:28.03.2022.

2.This Office SC No:2761-1/LSS@-Yerragudi/2022,Dt:28.03.2022.

Adverting to the subject and reference cited and it is to inform that this Office Technical staff has inspected Limestone Slabs (Colour) illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District.

Further vide ref 1st cited, the Technical staff has reported that **Sri G.Sunkanna** of Yerragudi Village, Banaganapalli Mandal has excavated and transported the Limestone Slabs (Colour) from 2 Working Pits illegally without any prior permission from the concerned authority from the subject area within the following Geo Co-Ordinates:

PIT No-1 : ***N 15°22'52.20" & E 78°10'01.37"***
N 15°22'51.74" & E 78°10'02.31"

PIT No-2 : ***N 15°22'49.20" & E 78°10'08.71"***
N 15°22'49.47" & E 78°10'07.34"

Further the Technical staff of this Office has taken the measurements of the existing working Pits in the subject area (excluding the Overburden of 5 meters including Soil & loose aggregated limestone material) in order to assess the total Quantity of Limestone Slabs (Colour) excavated and transported from the subject area illegally. The details are as follows:

Pit No:	L (m)	B (m)	H (m)	Total Volume in Cbm	Quantity in MT (*2.5)	in Sqm (MT*14)
1	18	12	2.5	540	1,475	20,650
2	10	5	1	50		
TOTAL				590		

Further the Technical staff has submitted that **Sri G.Sunkanna of Yerragudi Village** has excavated and transported the LSS Colour to a tune Quantity of **20,650 Sqm** illegally without any dispatch permits or any prior permission from the Dept of Mines & Geology which is a violation to Rule 26(2) of APMMC Rules,1966.

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In this connection, **Sri G.Sunkanna of Yerragudi Village** has to pay the penalty as per G.O.Ms No.35, Ind. & Comm., dt: 01.07.2020 and sub rule (1) of 34 of APMMC Rules, 1966 as the defaulter has transported the LSS Colour to a Quantity of **20,650 Sqm** without any Prior grant orders which is a violation to Rule 12 & 26(2) of APMMC Rules, 1966. The demanded amount arrived are as follows.

Evaded Quantity (Sqm)	Normal Seig Fee @ Rs.10/- per Sqm	10 Times of NSF	DMF (10%)	Merit (2%)	Total Penalty
20,650	2,06,500	20,65,000	20,650	4,130	Rs.22,96,280/-

In this regard, vide ref 2nd cited this office has issued Show Cause Notice to **Sri G.Sunkanna of Yerragudi Village** regarding the illegal transportation of LSS Colour to a tune Quantity of **20,650 Sqm** illegally without any dispatch permits. But the defaulter has not yet submitted the documentary evidence for the said Quantity nor given reply to the issued Show Cause Notice till today.

In view of the above, **Sri G.Sunkanna of Yerragudi Village** is hereby directed to pay the penalty amount of **Rs.22,96,280/-** for transporting the LSS Colour to a Quantity of **20,650 Sqm** without obtaining any dispatch permits issued by the concerned authority, if failing which necessary action will be initiated against you as per APMMC Rules 1966/2016 and mineral revenue will be collect under RR Act 1864.


 Asst. Director of Mines & Geology (FAC),
 Banaganapalle.

To
Sri Gokula Sunkanna, S/o.G.Guruvanna, H.No.2-191, Yerragudi(V),
 Banaganapalli(M), Kurnool Dist -518124. Cell No:9010431707.

Copy submitted to the Director of Mines and Geology, **Ibrahimpatnam** for favour of information.

Copy submitted to the Dy. Director of Mines and Geology, **Kurnool** for favour of information.

Copy submitted to the Tahsildar, **Banaganapalli Mandal** for favour of information.

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**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o. Asst. Director of Mines and Geology,
Banaganapalle.

DEM NAD NOTICE

No. 2761-2/LSS@-Yerragudi/2022

Dt: 16.05.2022

Sub: Mines & Quarries - O/o. the Asst. Director of Mines & Geology, Banaganapalli - Conducted Inspection on illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District for Limestone Slabs (Colour) - excavations done by **Sri Chakali Nagasubba** - Issued Show Cause Notice - Reply not given to the Show cause Notice - Demand Notice issued - Reg.

Ref: 1. This Office Technical staff Inspection Report Dt:28.03.2022.

2. This Office SC No:2761-2/LSS@-Yerragudi/2022, Dt:28.03.2022.

Adverting to the subject and reference cited and inform that this Office Technical staff has inspected Limestone Slabs (Colour) illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District.

Further vide ref 1st cited, the Technical staff has reported that **Sri Chakali Nagasubba** of Yerragudi Village, Banaganapalli Mandal has excavated and transported the Limestone Slabs (Colour) from 01 large Working Pit without any prior permission from the concerned authority from the subject area within the following Geo Co-Ordinates:

PIT : **N 15°22'51.74" & E 78°10'02.31"**

N 15°22'51.03" & E 78°10'03.70"

Further the Technical staff of this Office has taken the measurement of the existing working Pit (excluding the Overburden of 5 meters including Soil & loose aggregated limestone material) in order to assess the total Quantity of Limestone Slabs (Colour) excavated and transported from the subject area illegally. The details are as follows:

Pit No:	L (m)	B (m)	H (m)	Total Volume in Cbm	Quantity in MT (*2.5)	in Sqm (MT*14)
1	35 ✓	12 ✓	2.5 ✓	1050 ✓	2,625 ✓	36,750 ✓

Further the Technical staff has submitted that **Sri Chakali Nagasubba of Yerragudi Village** has excavated and transported the LSS Colour to a tune Quantity of **36,750 Sqm** without any dispatch permits or any prior permission from the Dept of Mines & Geology which is a violation to Rule 26(2) of APMMC Rules, 1966.

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In this connection, **Sri Chakali Nagasubba of Yerragudi Village** has to pay the penalty as per G.O.Ms No.35, Ind. & Comm., dt: 01.07.2020 and sub rule (1) of 34 of APMMC Rules, 1966 as the defaulter has transported the LSS Colour to a Quantity of **36,750 Sqm** without any Prior grant orders which is a violation to Rule 12 & 26(2) of APMMC Rules, 1966. The demanded amount arrived are as follows.

Evaded Quantity (Sqm)	Normal Seig Fee @ Rs.10/- per Sqm	10 Times of NSF	DMF (10%)	Merit (2%)	Total Penalty
36,750	3,67,500	36,75,000	36,750	7,350	Rs.40,86,600/-

In this regard, vide ref 2nd cited this office has issued Show Cause Notice to **Sri Chakali Nagasubba of Yerragudi Village** regarding the illegal transportation of LSS Colour to a tune Quantity of **36,750 Sqm** illegally without any dispatch permits. But the defaulter has not yet submitted the documentary evidence for the said Quantity nor given reply to the issued Show Cause Notice till today.

In view of the above, **Sri Chakali Nagasubba of Yerragudi Village** is hereby directed to pay the penalty amount of **Rs.40,86,600/-** for transporting the LSS Colour to a Quantity of **36,750 Sqm** without obtaining any dispatch permits issued by the concerned authority, if failing which necessary action will be initiated against you as per APMMC Rules 1966/2016 and mineral revenue will be collect under RR Act 1864.

J. V. Subbaraj 16.5.2022
Asst. Director of Mines and Geology (FAC),
Banaganapalle.

To

Sri Chakali Nagasubba, H.No.2-145, BC Colony, Yerragudi(V),
Banaganapalli(M), Kurnool Dist -518124. Cell No:9704137382.

Copy submitted to the Director of Mines and Geology, **Ibrahimpattanam** for favour of information.

Copy submitted to the Dy. Director of Mines and Geology, **Kurnool** for favour of information.

Copy submitted to the Tahsildar, **Banaganapalli Mandal** for favour of information.

**GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY**

O/o. Asst. Director of Mines and Geology,
Banaganapalle.

DEMNAD NOTICE

No. 2761-4/LSS@Yerragudi/2022

Dt: 16.05.2022

Sub: Mines & Quarries - O/o. the Asst. Director of Mines & Geology, Banaganapalli - Conducted Inspection on illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District for Limestone Slabs (Colour) - excavations done by **Sri B.Yella Subbanna** - Issued Show Cause Notice - Reply not given to the Show cause Notice - Demand Notice issued - Reg.

Ref: 1. This Office Technical staff Inspection Report Dt:28.03.2022.
2. This Office SC No:2761-4/LSS@Yerragudi/2022, Dt:28.03.2022.

Adverting to the subject and reference cited and inform that this Office Technical staff has inspected Limestone Slabs (Colour) illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District.

Further vide ref 1st cited, the Technical staff has submitted that **Sri B.Yella Subbanna** of Yerragudi Village, Banaganapalli Mandal has excavated and transported the Limestone Slabs (Colour) from 2 Working Pits without any prior permission from the concerned authority from the subject area within the following Geo Co-Ordinates:

PIT No-1 : **N 15°22'49.47" & E 78°10'07.34"**

PIT No-2 : **N 15°22'49.48" & E 78°10'05.96"**

Further the Technical staff of this Office has taken the measurement of the existing working Pits (excluding the Overburden of 5 meters including Soil & loose aggregated limestone material) in order to assess the total Quantity of Limestone Slabs (Colour) excavated and transported from the subject area illegally. The details are as follows:

Pit No:	L (m)	B (m)	H (m)	Total Volume in Cbm	Quantity in MT (*2.5)	in Sqm (MT*14)
1	22 ✓	5 ✓	2 ✓	220 ✓	850 ✓	11,900 ✓
2	24 ✓	5 ✓	1 ✓	120 ✓		
TOTAL				340 ✓		

Further the Technical staff has submitted that **Sri B.Yella Subbanna of Yerragudi Village** has excavated and transported the LSS Colour to a tune Quantity of **11,900 Sqm** without any dispatch permits or any prior permission from the Dept of Mines & Geology which is a violation to Rule 26(2) of APMMC Rules, 1966.

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In this connection, **Sri B.Yella Subbanna of Yerragudi Village** has to pay the penalty as per G.O.Ms No.35, Ind. & Comm., dt: 01.07.2020 and sub rule (1) of 34 of APMMC Rules, 1966 as the defaulter has transported the LSS Colour to a Quantity of **11,900 Sqm** without any Prior grant orders which is a violation to Rule 12 & 26(2) of APMMC Rules, 1966. The demanded amount arrived are as follows.

Evaded Quantity (Sqm)	Normal Seig Fee @ Rs.10/- per Sqm	10 Times of NSF	DMF (10%)	Merit (2%)	Total Penalty
11,900 <i>Sqm</i>	1,19,000	11,90,000	11,900	2,380	Rs.13,23,280/-

In this regard, vide ref 2nd cited this office has issued Show Cause Notice to **Sri B.Yella Subbanna of Yerragudi Village** regarding the illegal transportation of LSS Colour to a tune Quantity of **11,900 Sqm** illegally without any dispatch permits. But the defaulter has not yet submitted the documentary evidence for the said Quantity nor given reply to the issued Show Cause Notice till today.

In view of the above, **Sri B.Yella Subbanna of Yerragudi Village** is hereby directed to pay the penalty amount of **Rs. 13,23,280/-** for transporting the LSS Colour to a Quantity of **11,900 Sqm** without obtaining any dispatch permits issued by the concerned authority, if failing which necessary action will be initiated against you as per APMMC Rules 1966/2016 and mineral revenue will be collect under RR Act 1864.

A.V. Subbanna 16-5-2022
Asst. Director of Mines and Geology (FAC),
Banaganapalle.

To
Sri B.Yella Subbanna, S/o. B.Nadipi Subbanna, H.No.2-210, Yerragudi(V),
Banaganapalli(M), Kurnool Dist -518124. Cell No:9440770864.

Copy submitted to the Director of Mines and Geology, **Ibrahimpatnam** for favour of information.

Copy submitted to the Dy. Director of Mines and Geology, **Kurnool** for favour of information.

Copy submitted to the Tahsildar, **Banaganapalli Mandal** for favour of information.

BY RPAD

GOVERNMENT OF ANDHRA PRADESH
DEPARTMENT OF MINES AND GEOLOGY

O/o. Asst. Director of Mines and Geology,
Banaganapalle.

DEMNDAD NOTICE

No. 2761-3/LSS@-Yerragudi/2022

Dt: 16.05.2022

Sub: Mines & Quarries - O/o. the Asst. Director of Mines & Geology, Banaganapalli - Conducted Inspection on illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District for Limestone Slabs (Colour) - excavations done by **Sri Chevula Nagathimmayya** - Issued Show Cause Notice - Reply not given to the Show cause Notice - Demand Notice issued - Reg.

Ref: 1. This Office Technical staff Inspection Report Dt:28.03.2022.

2. This Office SC No:2761-3/LSS@-Yerragudi/2022, Dt:28.03.2022.

Adverting to the subject and reference cited and inform that this Office Technical staff has inspected Limestone Slabs (Colour) illegal Quarrying areas in Sy.No.USHB of Yerragudi(V), Banaganapalli(M), Kurnool District.

Further vide ref 1st cited, the Technical staff has reported that **Sri Chevula Nagathimmayya** of Yerragudi Village, Banaganapalli Mandal has excavated and transported the Limestone Slabs (Colour) from 01 Working Pit without any prior permission from the concerned authority from the subject area within the following Geo Co-Ordinates:

PIT : **N 15°22'50.21" & E 78°10'07.81"**

N 15°22'49.47" & E 78°10'07.34"

Further the Technical staff of this Office has taken the measurement of the existing working Pit (excluding the Overburden of 5 meters including Soil & loose aggregated limestone material) in order to assess the total Quantity of Limestone Slabs (Colour) excavated and transported from the subject area illegally. The details are as follows:

Pit No:	L (m)	B (m)	H (m)	Total Volume in Cbm	Quantity in MT (*2.5)	in Sqm (MT*14)
1	10	13	2	260	650	9,100

Further the Technical staff has submitted that **Sri Chevula Nagathimmayya of Yerragudi Village** has excavated and transported the LSS Colour to a tune Quantity of **9,100 Sqm** without any dispatch permits or any prior permission from the Dept of Mines & Geology which is a violation to Rule 26(2) of APMMC Rules, 1966.

Contd...2...

In this connection, **Sri Chevula Nagathimmayya of Yerragudi Village** has to pay the penalty as per G.O.Ms No.35, Ind. & Comm., dt: 01.07.2020 and sub rule (1) of 34 of APMMC Rules, 1966 as the defaulter has transported the LSS Colour to a Quantity of **9,100 Sqm** without any Prior grant orders which is a violation to Rule 12 & 26(2) of APMMC Rules, 1966. The demanded amount arrived are as follows.

Evaded Quantity (Sqm)	Normal Seig Fee @ Rs.10/- per Sqm	10 Times of NSF	DMF (10%)	Merit (2%)	Total Penalty
9,100	91,000	9,10,000	9,100	1,820	Rs.10,11,920/-

In this regard, vide ref 2nd cited this office has issued Show Cause Notice to **Sri Chevula Nagathimmayya of Yerragudi Village** regarding the illegal transportation of LSS Colour to a tune Quantity of **9,100 Sqm** illegally without any dispatch permits. But the defaulter has not yet submitted the documentary evidence for the said Quantity nor given reply to the issued Show Cause Notice till today.

In view of the above, **Sri Chevula Nagathimmayya of Yerragudi Village** is hereby directed to pay the penalty amount of **Rs.10,11,920/-** for transporting the LSS Colour to a Quantity of **9,100 Sqm** without obtaining any dispatch permits issued by the concerned authority, if failing which necessary action will be initiated against you as per APMMC Rules 1966/2016 and mineral revenue will be collect under RR Act 1864.

Asst. Director of Mines and Geology (FAC),
Banaganapalle.

To
Sri Chevula Nagathimmayya, H.No.2-22, SC Colony, Yerragudi(V),
Banaganapalli(M), Kurnool Dist -518124. Cell No:9505873245.

Copy submitted to the Director of Mines and Geology, **Ibrahimpattanam** for favour of information.

Copy submitted to the Dy. Director of Mines and Geology, **Kurnool** for favour of information.

Copy submitted to the Tahsildar, **Banaganapalli Mandal** for favour of information.

IN THE HIGH COURT OF ANDHRA PRADESH

W.P.Nos.8390 of 2018 and 12334 of 2021

W.P.Nos. 27815 and 27952 of 2021

W.P.Nos.27903 and 28372 of 2021

And W.P.No.12950 of 2021

W.P.No.8390 of 2022

BETWEEN:

M/s. GSR Stone Crushers,
Kadakella Village, Veeraghattam Mandal,
Srikakulam District, rep. by its Proprietor

... Petitioner

AND

\$ 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh

2. The Assistant Director of Mines & Geology, Santhi Nagar Colony,
Srikakulam- 1, Andhra Pradesh.

... RESPONDENTS

Date of Judgment pronounced on : 30.09.2022

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

1. Whether Reporters of Local newspapers
May be allowed to see the judgments? : Yes/No
2. Whether the copies of judgment may be marked
to Law Reporters/Journals: : Yes/No
3. Whether The Lordship wishes to see the fair copy
Of the Judgment? : Yes/No


 Asst. Director of Mines & Geology (FAC)
 Banaganapalle.

***IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

***HONOURABLE SRI JUSTICE R. RAGHUNANDAN RAO**

+ W.P.Nos.8390 of 2018 and 12334 of 2021

+ W.P.Nos. 27815 and 27952 of 2021

+ W.P.Nos.27903 and 28372 of 2021

+ And W.P.No.12950 of 2021

% Dated:30.09.2022

W.P.No.8390 of 2018

BETWEEN:

M/s. GSR Stone Crushers,
Kadakella Village, Veeraghattam Mandal,
Srikakulam District, rep. by its Proprietor

... Petitioner

AND

§ 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh

2. The Assistant Director of Mines & Geology, Santhi Nagar Colony,
Srikakulam- 1, Andhra Pradesh.

... RESPONDENTS

W.P.No.12334 of 2021

BETWEEN:

M/s. GSR Stone Crushers,
Kadakella Village, Veeraghattam Mandal,
Srikakulam District, rep. by its Proprietor

... Petitioner

AND

§ 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh

2. The Assistant Director of Mines & Geology, Santhi Nagar Colony,
Srikakulam- 1, Andhra Pradesh.

... RESPONDENTS

Asst. Director of Mines & Geology (FAC.,)
Banaganapalle,

W.P.No.27815 of 2021**BETWEEN:**

P. Venkateswara Rao,
S/o. Late China Vengaiah, R/o. HIG-217,
Sector-4, MVP Colony, Visakhapantam, A.P.

... Petitioner

AND

- \$ 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh
2. The Director of Mines and Geology, Andhra Pradesh, Ibrahimpatnam,
Krishna District.
3. The Assistant Director of Mines & Geology, Anakapalli, Andhra
Pradesh.

... RESPONDENTS

W.P.No.27952 of 2021**BETWEEN:**

P. Venkateswara Rao,
S/o. Late China Vengaiah, R/o. HIG-217,
Sector-4, MVP Colony, Visakhapantam, A.P.

... Petitioner

AND

- \$ 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh
2. The Director of Mines and Geology, Andhra Pradesh, Ibrahimpatnam,
Krishna District.
3. The Assistant Director of Mines & Geology, Anakapalli, Andhra
Pradesh.

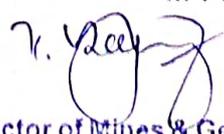
... RESPONDENTS

W.P.No.27903 of 2021**BETWEEN:**

M/s. VVR Crushers and Constructions
Rep. by its sole Proprietor P. Srinivasa Babu,
S/o. P. Venkateswara Rao, R/o. HIG-217,
Sector-4, MVP Colony, Visakhapantam, A.P.

... Petitioner

AND


Asst. Director of Mines & Geology (FAC.,)
Banaganapalle.

- § 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh
2. The Director of Mines and Geology, Andhra Pradesh, Ibrahimpatnam,
Krishna District.
3. The Assistant Director of Mines & Geology, Anakapalli, Andhra
Pradesh.

... RESPONDENTS

W.P.No.28372 of 2021

BETWEEN:

- # M/s. VVR Crushers and Constructions
Rep. by its sole Proprietor P. Srinivasa Babu,
S/o. P. Venkateswara Rao, R/o. HIG-217,
Sector-4, MVP Colony, Visakhapantam, A.P.

... Petitioner

AND

- § 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh
2. The Director of Mines and Geology, Andhra Pradesh, Ibrahimpatnam,
Krishna District.
3. The Assistant Director of Mines & Geology, Anakapalli, Andhra
Pradesh.

... RESPONDENTS

W.P.No.12950 of 2021

BETWEEN:

- # M/s. Soma Patel ASI (JV)
Moduguvalasa Village, Srikakulam District, A.P.
Rep. by its sole Proprietor P. Srinivas,
S/o. Venkatagiri, R/o. Moduguvalasa Village
Srikakulam District, A.P.

... Petitioner

AND

- § 1. The State of Andhra Pradesh, rep. by its Principal Secretary,
Industries & Commerce (Mines) Department, A.P. Secretariat,
Velagapudi, Guntur District, Andhra Pradesh

Asst. Director of Mines & Geology (FAC.,)
Banaganapalle.

2. The Assistant Director of Mines & Geology, Srikakulam District,
Andhra Pradesh.

... RESPONDENTS

! Counsel for Petitioner
(in all the writ petitions)

: Sri Hari Sreedhar

^Counsel for Respondents
(respondent in all the writ petitions)

: G.P. for Mines and Geology

<GIST:

>HEAD NOTE:

? Cases referred:

1. AIR 1964 SC 358
2. (2004) 2 SCC 783
3. 2020 (6) ALT 85 (S.B)
4. 1993 (3) ALT 199

Asst. Director of Mines & Geology (FAC.,)
Banaganapalle.

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO**W.P.Nos.8390 of 2018 and 12334 of 2021****W.P.Nos. 27815 and 27952 of 2021****W.P.Nos.27903 and 28372 of 2021****And W.P.No.12950 of 2021****COMMON ORDER:**

The facts in each of these cases, differ slightly. However, since they all raise a common question of law, they are being disposed of by way of this common order, by consent of both sides.

W.P.No.8390 of 2018 & W.P.No.12334 of 2021

2. The petitioner in both these writ petitions is the same. The petitioner had been granted a quarry lease for road metal and building stone over an extent of 2.5 hectares in Sy.No.127 of Kadakalla Village, Veeraghattam Mandal, Srikakulam District. The quarry of the petitioner is said to have been inspected by the Vigilance and Enforcement Department, who had thereupon addressed letters to the Mining Department to take action against the petitioner on the basis of the inspection report. Pursuant to this communication, a show cause notice dated 20.01.2018 was issued by the Assistant Director of Mines, Srikakulam, calling upon the petitioner to show cause as to why certain penalties etc., should not be collected from the petitioner on the ground of evasion of seigniorage fee. The petitioner is said to have given his reply on 12.02.2018 setting out the facts including the contention that the

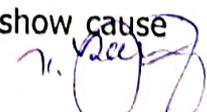

Asst. Director of Mines & Geology (FAC.,)
Banaganapalle.

entire exercise had been conducted in the absence of the petitioner. Thereafter, the Assistant Director of Mines had issued a demand notice dated 19.02.2018 calling upon the petitioner to pay certain amounts of money as penalty for infraction of the provisions of the Mines and Mineral (Development and Regulation) Act, 1957 (for short 'the MMDR Act') and Rule 26 of the A.P. Minor Mineral Concession Rules, 1966 (for short 'the Concession Rules'). Aggrieved by the same, the petitioner had approached this Court by way of W.P.No.3390 of 2018.

3. While the above writ petition was pending, action was again initiated against the petitioner on the basis of the information said to have been given by the Vigilance and Enforcement Department by way of show cause notice dated 09.04.2021. Thereafter, a demand notice was issued on 22.04.2021 by the Assistant Director of Mines, Srikakulam calling upon the petitioner to pay certain amounts of money as penalty and infraction of the provisions of the MMDR Act and the Concession Rules. Aggrieved by the same the petitioner has filed W.P.No.12334 of 2021.

W.P.No.27815 of 2021 & W.P.No.27952 of 2021

4. Both the writ petitions have been filed by the same petitioner. The petitioner had been granted a quarry lease for road metal and building stone over an extent of 7.05 hectares, in Sy.No.251 of Seethanagaram Village, Anakapalli Mandal, Visakhapatnam. During the pendency of the said lease the petitioner had been issued a show cause


Asst. Director of Mines & Geology (FAC,,)
Banaganapalle.

notice to which a reply had been given. Thereafter, a demand notice dated 07.08.2021 was issued. The petitioner filed W.P.No.15863 of 2020 before this Court and this Court had remanded the matter back to the Assistant Director of Mines, Visakhapatnam to re-conduct the entire exercise after giving necessary information to the petitioner. The Assistant Director of Mines again issued a demand notice, against which the petitioner filed W.P.No.25176 of 2020. This Writ petition was dismissed on the ground that the petitioner had an adequate alternative remedy of appeal. Aggrieved by the same, the petitioner filed W.A.No.64 of 2021, which was also dismissed. Thereafter, the petitioner filed an appeal before the 1st respondent therein, which was dismissed on 21.09.2021 without setting out any reasons for such a dismissal. Aggrieved by the same, the petitioner filed W.P.No.27952 of 2021.

5. In W.P.No.27815 of 2021 the petitioner, in relation to the quarry lease over an extent of 7.05 hectares in Sy.No.251 of Seethanagaram Village, Anakapalli Mandal, Visakhapatnam District, had been issued a show cause notice dated 14.07.2020 on the basis of an inspection report said to have been given by the Vigilance and Enforcement Department contending that the petitioner had obtained dispatch permits for road metal beyond what was actually excavated in the quarry and to show cause as to why penalties should not be levied against the petitioner. A demand notice was issued after the petitioner


Asst. Director of Mines & Geology (FAC.,)
Baanaganapalle.

had filed a reply asking for information, without such information being provided.

6. The petitioner filed W.P.No.15888 of 2020 challenging the said demand notice and this Court had remanded the matter back to the Assistant Director of Mines with a direction to furnish documents before passing any order. The Assistant Director of Mines, Visakhapatnam again issued a demand notice dated 10.11.2020 which was challenged before this Court by way of W.P.No.25190 of 2020, which was dismissed on the ground of effective alternative remedy being available. The Writ Appeal filed against this order was also dismissed and the petitioner had filed an appeal against the said demand notice. This appeal was dismissed on 21.09.2021. It is the contention of the petitioner that no reasons were given in the order of dismissal.

W.P.No.28372 of 2021 and W.P.No.27903 of 2021

7. In this case, the petitioner had been granted a quarry lease for road metal and building stone over an extent of 0.838 hectares in Sy.No.193 of Seethanagaram Village, Anakapalli Mandal, Visakhapatnam District. The Assistant Director of Mines, Anakapally had issued a show cause notice dated 14.07.2020 calling upon the petitioner to show cause as to why penalties and other amounts should not be levied on the petitioner as the petitioner was said to have dispatched more material than what was excavated in the quarry lease. The petitioner gave a reply dated 28.07.2020 denying the said allegations and asking for certain


Asst. Director of Mines & Geology (FAC_{II})
Banaganapalle,

documents and material. As the Assistant Director of Mines, Anakapally had issued demand notice dated 10.08.2020, without furnishing documents and material, the petitioner had approached this Court by way of the above writ petitions.

8. In W.P.No.27903 of 2021, the petitioner had been granted a quarry lease for road metal and building stone over an extent of 2.080 hectares in Sy.No.303 of Seethanagaram Village, Anakapally Mandal, Visakhapatnam District. The Assistant Director of Mines, Anakapally had issued a show cause notice dated 14.07.2020 calling upon the petitioner to show cause as to why penalties and other amounts should not be levied on the petitioner as the petitioner was said to have dispatched more material than what was excavated in the quarry lease. The petitioner gave a reply dated 28.07.2020 denying the said allegations and asking for certain documents and material. The Assistant Director of Mines, Anakapalli had issued demand notice dated 07.08.2020, without furnishing documents and material. Aggrieved by the said demand notice, the petitioner had approached this Court by way of W.P.No.15452 of 2020 and the same was disposed of by remanding the matter back to the Assistant Director of Mines to pass orders after furnishing the necessary documents. Thereafter, the Assistant Director of Mines again issued a demand notice dated 10.11.2020, which was challenged by way of W.P.No.25292 of 2020 and the same was dismissed on the ground of effective alternative remedy. However, the appeal filed by the petitioner was dismissed on


Asst. Director of Mines & Geology (FAC.,)
Banaganapalle.

21.09.2021. The petitioner contends that this appeal was dismissed without giving any reasons.

W.P.No.12950 of 2021

9. The petitioner had been granted a quarry lease for road metal and building stone over an extent of 5 hectares in Sy.No.297 of Kondaragolu Village, Hiramandalam Mandal, Srikakulam District. The Assistant Director of Mines, Srikakulam District, had issued a show cause notice dated 24.07.2020 calling upon the petitioner to show cause as to why penalties and other amounts should not be levied on the petitioner, as the petitioner was said to have dispatched more material than what was excavated in the quarry lease. The petitioner gave an interim reply dated 08.01.2021 with an additional reply dated 30.01.2021 denying the said allegations and asking for certain documents and material. The Assistant Director of Mines, Srikakulam had issued demand notice dated 03.05.2021, without furnishing documents and material. Aggrieved by the said demand notice, the petitioner had approached this Court by way of the present writ petition.

10. Sri Hari Sridhar, learned Counsel appearing for the petitioner, while highlighting the violation of the principles of natural justice in all the above cases, either on the ground of non-supply of the material used against the petitioner or on the ground that the impugned order is bereft of reasons, has also raised a common question of law.


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11. It is the contention of Sri Hari Sridhar that the proceedings under the penal provisions contained under Rules 26 and 34 cannot be conducted by the officials of the department and the same can only be filed as a complaint before a regular Criminal Court of competent jurisdiction and any decision in this regard, relating to the levy of any penalty, can be done only by the competent Court of criminal jurisdiction. He relies upon the judgments of the Hon'ble Supreme Court in **State of U.P. vs. Singhara Singh¹ (paragraphs 7 & 8); Karnataka Rare Earth vs. Department of Mines² (paragraph No.7); and J.M.B. Rocks vs. State of Andhra Pradesh and Ors.,³**

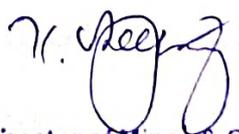
12. The learned Additional Advocate General appearing for the respondents submits that the said writ petition is defective in as much as Rule 26 has not been challenged. He further submits that a Full Bench of the erstwhile High Court of A.P. in **L. Venkateswara Rao and ors., vs. M/s. Singareni Collieries Company Ltd., rep. by its Managing Director, Kothagudem & ors.,⁴** had held that the State has the authority to levy and recover fines for infraction of the provisions of the MMDR Act and the Concession Rules and as such Rule 26 is within the power granted to the State Government and the levy and collection of

¹ AIR 1964 SC 358

² (2004) 2 SCC 783

³ 2020 (6) ALT 85 (S.B)

⁴ 1993 (3) ALT 199


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penalties, under Rule 26 of the Concession Rules by the officials of the mines and geology department is also in accordance with law.

13. The learned Additional Advocate General submits that paragraph 7 of the judgment in **Karnataka Rare Earth vs. Department of Mines** relied upon by the learned counsel for the petitioner is actually in favour of the respondents as Section 21(5) of the MMDR Act empowers the State to recover the loss incurred by the State on account of illegal quarrying or violation of any of the provisions of the Concession Rules.

Consideration of the Court:

14. In pursuance of the power granted under Section 15 of the MMDR Act, 1957, the State Government had issued G.O.Ms.No.1172 dated 04.09.1967 making the A.P. Minor Mineral Concession Rules 1966. Rule 26 of these Rules provides for the levy of penalties for unauthorised quarrying. A Full Bench, of the erstwhile High Court of Andhra Pradesh, in **L. Venkateswara Rao and ors., vs. M/s. Singareni Collieries Company Ltd., rep. by its Managing Director, Kothagudem & ors.,** had held that the power to make Rules for levy of penalties can be traced to Section 15 of the MMDR Act and that rule 26 is within the power of the state.

15. Rule 26(1) mandates that if any holder of a mining concession undertakes quarrying operations and transports minor minerals outside the leased area or within such an area, in contravention of the

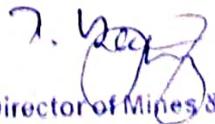

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Rules, the holder of such a concession would be liable to pay 10 times of normal seigniorage fee as penalty in addition to the normal seigniorage fee along with the DMF and MERIT amounts on the assessed quantities by the Assistant Director of Mines and Geology concerned or any officer authorised in this behalf by the Director of Mines and Geology. Rule 26 (2) provides that whenever any person, who does not hold a minor mineral concession, excavates or transport minor minerals, the said person would be liable to pay 10 times normal seigniorage fee as penalty in addition to the normal seigniorage fee along with the DMF and MERIT amounts on the assessed quantities by the Assistant Director of Mines and Geology concerned or any officer authorised in this behalf by the Director of Mines and Geology.

16. Sub-rules (1) and (2) of Rule 26 were amended by G.O.Ms.No.35 I & C (M-III) Dept., dated 01.07.2020. Prior to this amendment, these Rules also provided for a further penalty of imprisonment on the person involved in violation of the above Rules.

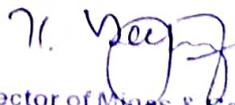
17. The petitioners are not disputing the power of the state to levy fines and penalties. The contention of the petitioners is that such a levy of penalty can be done only by the court of competent criminal jurisdiction.

18. A learned Single Judge of this Court in **J.M.B. Rocks vs. State of Andhra Pradesh and Ors.**, after referring to **L. Venkateswara Rao and ors., vs. M/s. Singareni Collieries**


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Company Ltd., rep. by its Managing Director, Kothagudem & ors., had held that levy of penalties under Rule 26(3)(ii), including punishment by imprisonment for a term up to two years cannot be imposed by the Assistant Director of Mines and Geology as that would be within the exclusive domain of the Courts only. Consequently, the show cause notice challenged in the said writ petition was set aside. The said Rules were further amended on 01.07.2020 even before this judgment had been delivered.

19. It is the case of the respondents that the aforesaid judgment of this Court would not be applicable as the punishment of imprisonment has been removed from the Rules and only fine is sought to be levied by the Assistant Director of Mines and Geology concerned. A reading of the judgment would show that the learned Single Judge had taken the view that the proceedings under Rule 26, for levy of penalty, is a criminal proceeding which can only be dealt with by Courts of competent jurisdiction and the same cannot be exercised by the Assistant Director of Mines and Geology. The learned Judge had taken the view that any proceedings under Rule 26 would require to be conducted by a criminal Court and not an official of the department. The said judgment would be applicable to Rule 26 before the amendment and after the amendment also. The respondents have not placed any material before me to show that the said order has been varied or set aside by any higher forum and as such the said judgment has become final and binding on this Court.


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20. I would supplement the said judgement with some more reasons. A review of the provisions of the MMDR Act and the concession rules would be necessary to ascertain whether, the authorities under the act, can levy penalties, including fines on the persons violating the provisions of the MMDR Act and the concession rules.

21. Section 4 (1) of the MMDR Act mandates that no person can undertake mining operations, in any area, except under a mining lease granted under the MMDR Act. Section 4 (1A) further mandates that no person shall transport or store any mineral otherwise than in accordance with the provisions of the MMDR Act and the Rules made thereunder. In the present case, the applicable Rules are Concession Rules 1966.

22. Section 21 of the MMDR Act sets out the consequences of violation of the provisions of the Act and the Rules made thereunder and provides for imposition of penalties, including imprisonment, recovery of the cost of mineral, rent, royalty or tax etc., that was lost by the State Government on account of violation of the MMDR Act and the Concession Rules. Section 21 of the MMDR Act reads as follows:

21. Penalties.—

(1) Whoever contravenes the provisions of sub-section (1) or sub-section (1A) of section 4 shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to five lakh rupees per hectare of the area.

(2) Any rule made under any provision of this Act may provide that any contravention thereof shall be punishable

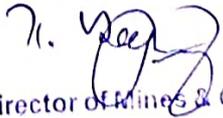
with imprisonment for a term which may extend to two years or with fine which may extend to five lakh rupees, or with both, and in the case of a continuing contravention, with additional fine which may extend to fifty thousand rupees for every day during which such contravention continues after conviction for the first such contravention.

(3) Where any person trespasses into any land in contravention of the provisions of sub-section (1) of section 4, such trespasser may be served with an order of eviction by the State Government or any authority authorised in this behalf by that Government and the State Government or such authorised authority may, if necessary, obtain the help of the police to evict the trespasser from the land.

(4) Whenever any person raises, transports or causes to be raised or transported, without any lawful authority, any mineral from any land, and, for that purpose, uses any tool, equipment, vehicle or any other thing, such mineral tool, equipment, vehicle or any other thing shall be liable to be seized by an officer or authority specially empowered in this behalf.

(4A) Any mineral, tool, equipment, vehicle or any other thing seized under sub-section (4), shall be liable to be confiscated by an order of the court competent to take cognizance of the offence under sub-section (1) and shall be disposed of in accordance with the directions of such court.

(5) Whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the

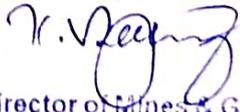

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period during which the land was occupied by such person without any lawful authority.

(6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence under sub-section (1) shall be cognizable.

23. The nature of the subsections of Sections 21 and 21 of the MMDR Act have been considered by the Hon'ble Supreme Court in the case of **Karnataka Rare Earth vs. Department of Mines** wherein the Hon'ble Supreme Court, at paragraph No.7, had held as follows:

7. In our opinion, the demand by the State of Karnataka of the price of the mineral cannot be said to be levy of penalty or a penal action. The marginal note of the section — "penalties", creates a wrong impression. A reading of Section 21 shows that it deals with a variety of situations. Sub-sections (1), (2), (4), (4-A) and (6) are in the realm of criminal law. Sub-section (3) empowers the State Government or any authority authorized in this behalf to summarily evict a trespasser. Sub-section (5) empowers the State Government to recover rent, royalty or tax from the person who has raised the mineral from any land without any lawful authority and also empowers the State Government to recover the price thereof where such mineral has already been disposed of inasmuch as the same would not be available for seizure and confiscation. The provision as to recovery of price is in the nature of recovering the compensation and not penalty so also the power of the State Government to recover rent, royalty or tax in respect of any mineral raised without any lawful authority can also not be called a penal action. The underlying principle of sub-section (5) is that a person


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acting without any lawful authority must not find himself placed in a position more advantageous than a person raising minerals with lawful authority.

24. Apart from this, sections 22 and 23A (1) are relevant and are as follows:

SECTION 22. COGNIZANCE OF OFFENCES-- No court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon a complaint in writing by a person authorised in this behalf by the Central Government or the State government.

SECTION 23A. COMPOUNDING OF OFFENCES.-
(1) Any offence punishable under this Act or any rule made thereunder may, either before or after the institution of the prosecution, be compounded by the person authorised under section 22 to make a complaint to the court with respect to that offence, on payment to that person, for credit to the Government, of such sum as that person may specify.

25. Section 4 of the MMDR Act stipulates the need for excavating and transporting minerals strictly in accordance with the terms of the necessary lease and permits, respectively, granted by the State. Any infraction of this requirement is visited with penalties, of imprisonment and payment of fines, under Section 21(1) and (2) of the MMDR Act. Apart from this Section 21 (4) and (4A) provides for seizure and confiscation. These substantive provisions were held to be in the realm of criminal law, by the Hon'ble Supreme Court, in the above case.

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26. The necessity, under Section 22, of a complaint, in writing, from an authorised person before the Court takes cognizance can only mean that it is the criminal court which can take up the question of violation of the MMDR Act and the rules. Section 23 A, stipulates that only a person who can file a complaint before the Court can compound an offence under the MMDR Act. This would mean that the trial of offences under the MMDR Act and rules would be conducted by the Court. Further, any confiscation under Section 21 (4) can be done only by a Court. The provisions of sections 21, 22 and 23A of the MMDR Act, make it clear that the culpability of the person accused of violating the provisions of the Act or rules is to be determined by a court of competent criminal jurisdiction.

27. It is trite to state that, the rules cannot go beyond the principal Act or be inconsistent with the principal Act. The MMDR Act contemplates the levy of penalty, under the Act and Concession rules, to be decided by the Court while the Concession rules name the Assistant Director of Mines as the authority for this purpose. In view of the clear contradiction and inconsistency between the MMDR Act and the Concession rules, Rule 26 has to give way.

28. The learned Additional Advocate General contends that, in the absence of a challenge to Rule 26, the Petitioners cannot request this court to ignore the said provision.

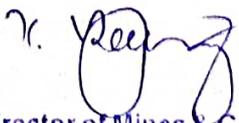

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29. The Hon'ble Supreme court considered this very issue and held, in **Shree Bhagwati Steel Rolling Mills v. CCE⁵**, at page 661 as follows:

28. Shri Aggarwal, in order to buttress his submission that he ought to be allowed to raise a pure question of law going to the very jurisdiction to levy interest, cited before us the judgment in *Bharathidasan University v. All-India Council for Technical Education* [*Bharathidasan University v. All-India Council for Technical Education*, (2001) 8 SCC 676 : 1 SCEC 924] and in particular para 14 thereof which reads as follow : (SCC pp. 688-89)

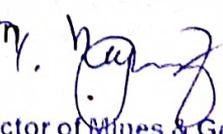
"14. The fact that the Regulations may have the force of law or when made have to be laid down before the legislature concerned does not confer any more sanctity or immunity as though they are statutory provisions themselves. Consequently, when the power to make Regulations is confined to certain limits and made to flow in a well-defined canal within stipulated banks, those actually made or shown and found to be not made within its confines but outside them, the courts are bound to ignore them when the question of their enforcement arises and the mere fact that there was no specific relief

⁵ (2016) 3 SCC 643 : 2015 SCC OnLine SC 1243


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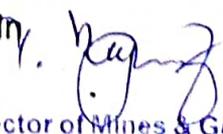
sought for to strike down or declare them ultra vires, particularly when the party in sufferance is a respondent to the *lis* or proceedings cannot confer any further sanctity or authority and validity which it is shown and found to obviously and patently lack. It would, therefore, be a myth to state that the Regulations made under Section 23 of the Act have 'constitutional' and legal status, even unmindful of the fact that any one or more of them are found to be not consistent with specific provisions of the Act itself. Thus, the Regulations in question, which AICTE could not have made so as to bind universities/UGC within the confines of the powers conferred upon it, cannot be enforced against or bind a university in the matter of any necessity to seek prior approval to commence a new department or course and programme in technical education in any university or any of its departments and constituent institutions."

29. It would be seen that Shri Aggarwal is on firm ground because this Court has specifically stated that rules or regulations which are in the nature of subordinate legislation which are ultra vires are bound to be ignored by the courts when the question of their enforcement arises and the mere fact that there is no specific relief sought for to strike down or declare them ultra vires would not stand in


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the court's way of not enforcing them. We also feel that since this is a question of the very jurisdiction to levy interest and is otherwise covered by a Constitution Bench decision of this Court, it would be a travesty of justice if we would not allow Shri Aggarwal to make this submission.

30. This Court, for the above reasons, holds that the Assistant Director of mines or any other authority of the State cannot determine the culpability of the person said to be in violation of the MMDR Act or the Concession rules or levy a penalty and it is only a court of competent jurisdiction which can go into these questions and levy penalties set out under rule 26 of the concession rules or under any of the other provisions of the MMDR Act or the Concession rules.

31. Consequently, the writ petitions are allowed setting aside the orders impugned in these writ petitions. There shall be no order as to costs. As a sequel, pending miscellaneous petitions, if any, shall stand closed.

30th September, 2022
Js.

R. RAGHUNANDAN RAO, J.



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HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

W.P.Nos.2390 of 2018 and 12334 of 2021

W.P.Nos. 27815 and 27952 of 2021

W.P.Nos.27903 and 28372 of 2021

And W.P.No.12950 of 2021

Js.

30th September, 2022