

**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)

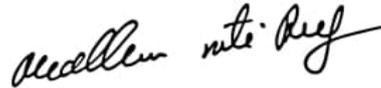
vs

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

... Respondents

**REPORT FILED BY THE DEPARTMENT OF MINES  
& GEOLOGY A.P 6<sup>TH</sup> RESPONDENT**

**Date- 7-07-2023**



**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**

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**COUNSEL FOR 6<sup>TH</sup> Respondent**

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

Date: 7-07-2023

**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:05.12.2022.**

**-:oOo:-**

**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 R&B 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 and Tadipatri are present and the same were closed with the generated waste from the quarries. At present there are no workings 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 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, this office has 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 the Hon'ble NGT orders dated. 13.09.222 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. of quarries were granted for Napa Slabs quarrying. The details of the same are as follows.

<b>Sl. No.</b>	<b>Name and address of lease holder</b>	<b>Location</b>	<b>Extent of lease (in Hects)</b>
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 of Palkur (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 lease holders were encroached into buffer area and rest of 10 number of the lease holders 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(M)	0.846	3,26,182	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	

2	G. Rama Krishna Reddy	Sy.No.284 of Palkur (V), Banaganapalle(M)	5,355	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.
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.445/1 of 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 Nos. 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 violation of the MMDR Act or the Concession rules or levy of 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)

**1.Name of the Violators, compensation levied, to be levied and so far collected and further action against the violators regarding Owk and Kolimigund 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/-	NIL	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), Banaganapalli (M)	LSS (B) 35490 MT	NIL	NIL	Filed FIR No. 112/2019, SCN issued. 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.
18	Sri Veera Bhadrappa	-do-	LSS @ 12250 Sqm	16,51,500/-	NIL	Revision filed on 19.03.2021.
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 Suo moto 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 Seigniorage 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, O.P.No. 179 of 2021 (SZ) (Through Video Conference) has issued orders dated. 05.12.2022 that;

***“..... the violations who had been mining illegally are now stopped from further mining. A few of the lease holders had also encroached into the buffer area of the roads, whether the excavated portions on the road margins have been re-laid or not has to be seen as otherwise the same would result in major accidents.***

***It would be appropriate to produce photographs of those areas where the road margins / the buffer areas have been quarried and resorted. Let the detailed report be once again filed with the above required particulars including the environmental compensation that should have been levied and also about the writ appeal details”.***

10. Further, it is submitted that, in light of the aforesaid mentioned orders of the Hon'ble National Green Tribunal (NGT), this office has issued Notice No. 1211/NGT/2021, dated. 18.03.2023 to ten (10) defaulters and directed to restore or fill the quarried areas or pits at road margins immediately. Failed to comply with the above directions will result in action being initiated as per the prevailing rules and regulations. Despite acknowledging the receipt of the notices, the defaulters have failed to respond or take any action. However, this office will insist the above ten defaulters to fill the pits immediately.
11. Even though the mining department officials have personally reminded the defaulters of the aforesaid mentioned concern and have been consistently conducting route checks, it is to ensure that such incidents do not occur in the future.
12. It is submitted that the APPCB, Zonal Office, Kurnool is in the process of levying the Environmental Compensation to the defaulting 9 mining units. After receipts of the replies from the defaulting mining units for the Show Cause Notice issued by the Zonal Office, Kurnool duly giving an opportunity of hearing, the Board will levy the Environmental Compensation as reported by APPCB, Kurnool.

This is submitted for kind information.

Date-07-07-2023

  
**Divisional Mines and Geology Officer,  
Banaganapalli.**

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

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

**Dt:18.03.2023**

**Notice No.1211/NGT/2021**

**Sub:** Mines and Mineral - O/o Asst. Director of Mines & Geology, Banaganapalle - Quarried areas in road margin / buffer - Hon'ble NGT order dated: 05.12.2022 in O.A. No.179/2021 - directed the defaulters to restore the quarried areas in road side - Reg.

**Ref:** Hon'ble NGT order dated: 05.12.2022 in O.A. No.179/2021.

\*\*\*\*\*

Adverting to the subject and reference cited and inform that the address entry defaulters were made quarry operations in road margin between Palkur-Ramakrishnapuram (leased area) and Palkur-Ramakrishnapuram village road (without lease) and this office has instructed to restore the quarried areas/pits in road margin.

Further through the above reference, the Hon'ble NGT passed orders to submit detailed report along with appropriate photographs of the subject area. In this connection, the Technical staff noticed that nobody restored the quarried areas at road margin till date.

In view of the above, the address entry defaulters are once again directed to restore / fill the quarried areas/ pits at road margin with immediate effect otherwise action will be initiated as per rules inforce.

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

**To**

1. Sri K. Ramanjaneyulu, S/o K.P. Thimmaiah, H.No.6-129, Palkur (V), Banaganapalle (M), Kurnool District.
2. Sri Shaik Hussain Saheb, S/o S.Nabi Saheb, H.No.8/283/5, Near Inspection Bunglow, Banaganapalle Village & Mandal, Kurnool Dist.
3. Sri M. Chinna Venakta Swamy, S/o M. Subbarayudu, H.No.4/440, Bethamcherla (V&M), Kurnool Dist.
4. Smt C. Venkateswaramma, W/o C. Maddilety, H.No.6/102, Palkur (V), Banaganapalle (M), Kurnool District.
5. Sri Gaddam Venkata Rami Reddy, R/o Palkur Village, Banaganapalle (M), Kurnool Dist.
6. Sri G. Rama Krishna Reddy, R/o Palkur Village, Banaganapalle (M), Kurnool Dist.
7. Sri G. Rameswara Reddy, R/o Palkur Village, Banaganapalle (M), Kurnool Dist.
8. Sri Kottala Nagaraju, S/o K. Chinna Nagaiah, R/o Palkur Village, Banaganapalle (M), Kurnool Dist.
9. Sri Ambala Rama Krishna Reddy, R/o Palkur Village, Banaganapalle (M), Kurnool Dist.
10. Sri M. Basheer Ahmed, S/o M. Ahemed Hussain, H.No.2/26, R/o Palkur Village, Banaganapalle (M), Kurnool Dist.