

BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE,
CHENNAI

Original Application No.165 of 2023

ADDITIONAL MATERIAL PAPERS

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Chennai

Date: 08.07.2024

P.R. Mahalingam
Counsel for the Applicant

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT AMARAVATHI

(Rule-4(e) of the High Court of Judicature at Amaravathi, for the State of Andhra Pradesh Public Interest Litigation Rules, 2015)

W.P.(PIL) No. 19 of 2023

Between:

Pilli Surendra Babu, S/o.Nagaiah,
Age 41 years, Occupation: Ex-Army, Social Activist,
R/o.Kesarapalli Village, Gannavaram Mandal,
Krishna District, Andhra Pradesh,
Phone: 9640141199, Pin: 521102.
Bank A/c.No.20015914022, Bank Name: S.B.I., Reddygudem.
Aadhar Card No: 4177 4802 6678,
PAN No: ANLPP8069N
Email ID: surendrababu.pilli@gmail.com

... Petitioner

A N D

1. Union of India,
Rep. by Secretary to the Govt. of India,
Rashtrapathi Bhawan,
New Delhi – 110 004.
2. The Principal Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan, Jorbagh Road,
New Delhi – 110 003.
3. The State of Andhra Pradesh,
Rep. by its Chief Secretary,
4th Block, Secretariat, Velagapudi,
Amaravathi – 522 503, Guntur District, A.P.
4. The Principal Secretary,
Revenue Department,
4th Block, Secretariat, Velagapudi,
Amaravathi – 522 503, Guntur District, A.P.
5. The Director General of Police,
Vigilance & Enforcement,
NTR Administrative Block, Pandit Nehru Bus Station,
Vijayawada – 520 013.

P. Suro



6. The Addl. Director General of Police,
CBCID, Police Head Quarters,
Mangalagiri, Guntur District.
7. The Member Secretary,
Andhra Pradesh Pollution Control Board,
APPCB D.No.33-26-14 D/2, Near Sunrise Hospital,
Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet,
Vijayawada – 520 010.
8. The Director,
Department of Mines & Geology,
Ibrahimpattam, Vijayawada, NTR District.
9. The Director,
Special Enforcement Bureau,
Police Head Quarters,
Mangalagiri, Guntur District.
10. The Principal Secretary,
Water Resources Department,
Secretariat, Velagapudi,
Amaravathi – 522 503, Guntur District, A.P.
11. The Engineer-in-Chief, Irrigation,
Water Resource Department,
Governorpet, Vijayawada.
12. The Collector and District Magistrate,
Krishna District, Machilipatnam.
13. The Collector and District Magistrate,
NTR Vijayawada District, Vijayawada.
14. The Regional Vigilance and Enforcement Officer,
Vigilance and Enforcement Department,
Vijayawada, NTR District.
15. Buddi Bhuvindarao @ Kali, S/o.Satyanarayana,
Suram Palli Village, Gannavaram Mandal,
Krishna District.
16. Dandamudi Sai Krishna Chowdary, S/o.Ramakrishna,
R/o.Keesara Village, Kanchikacherla Mandal,
NTR District. Ph:8897505319

P. Suw

17. Kareem Khan, S/o.Babu Khan,
R/o.H.No.6-88/1, Rampur, Dharma Sagar Mandal,
Warangal, Telangana – 506 151,
Ph:8555961061
18. Inkollu Sunil Kumar, S/o.Sivaji,
R/o.D.No.3-77, Bejathpuram Village,
Tadikonda Mandal, Guntur District.
Ph: 9948252849
19. Chalivendra Ramakrishna, S/o.not known,
R/o.Nandamuru Village, Unguturu Mandal,
Krishna District.
Ph: 8179194479
20. Pothuraju Madhava, S/o.Seshaiah,
R/o.Opp: Rice Mill, Kothuru, Tadepalli,
Vijayawada Rural Mandal, NTR District.
Ph: 9700908499
21. Vuyyuru Gopalrao, S/o.Rangaiah,
R/o.Beside Mee-seva Centre,
Kothuru, Tadepalli,
Vijayawada Rural Mandal, NTR District.
Ph: 9490148424
22. Dhulipalla Purnachandra Rao, S/o.Devendra Rao,
R/o.Nynavaram Village, Vijayawada Rural Mandal,
NTR District. Ph: 9390508999
23. Akula Srinivasarao, s/o.not known,
R/o.Kundavari Kandrika, Pathapadu,
Vijayawada Rural Mandal, NTR District.
Ph: 8332929497

... Respondents

AFFIDAVIT

I, Pilli Surendra Babu, S/o.Nagaiah, Age 41 years, Occupation: Ex-Army, Social Activist, R/o.Kesarapalli Village, Gannavaram Mandal, Krishna District, Andhra Pradesh now having temporarily come down to Amaravathi, do hereby solemnly affirm and sincerely state on oath as follows:

P. Surendra



1. I am the petitioner herein and as such I am fully acquainted with the facts of the case.

2. **PARTICULARS OF THE CAUSE / ORDER AGAINST WHICH THE PETITION IS MADE:**

The present writ petition is filed in larger Public Interest for a direction to the respondent authorities to take steps to stop the illegal mining on Polavaram Right Canal in Krishna and N.T.R. District, bypassing the required permissions/clearances from the Irrigation Department, Mining Department, Department of Revenue, Pollution Control Board and causing destruction of the Polavaram Right Canal Bunds environment, causing pollution, and making huge illegal wealth by mining mafia and effecting flora fauna in the Krishna, NTR Districts of Andhra Pradesh.

3. **PARTICULARS OF THE PETITIONER:**

The Petitioner is an Ex-Army soldier. The petitioner is a full-time social activist working for the protection of human rights of the Scheduled Castes and other marginalized communities in the State of Andhra Pradesh through his activism. The petitioner is presently residing in Kesarapalli Village, Gannavaram Mandal, Krishna District, Andhra Pradesh, Phone: 9640141199. The petitioner was through his activism, has come across the illegal mining on Polavaram Right Canal in Krishna, NTR Districts and started working by visiting the ground and gathering details, obtained some of the astonishing information that the mining

P. Suv



mafia has been violating all existing rules and continuing the destruction of Polavaram Right Canal bunds environment, causing pollution and causing huge loss to the Government exchequer. Therefore, I am bringing this issue before this Hon'ble Court by way of the present Public Interest Litigation.

The petitioner is not involved in any civil, revenue, criminal litigation before any court or tribunal and the petitioner is seeking to protect the environment, by stopping the illegal mining in the Krishna District.

4. **LOCUS STANDI:**

I hereby affirm and state on oath that I have no personal interest in the subject matter of this petition. The petitioner hereby undertakes to pay exemplary costs and/or compensatory damages as directed by this Court in the event of a contrary finding upon adjudication by the Court that the writ petition is filed for extraneous/personal considerations or with an oblique motive.

5. **DECLARATION AND UNDERSTANDING OF THE PETITIONER:**

I, Pilli Surendra Babu, S/o.Nagaiah, Age 41 years, Occ: Ex-Army, R/o.Kesarapalli Village, Gannavaram Madnal, Krishna District, Andhra Pradesh, Phone: 9640141199, Pin: 521 102, Bank A/c.No.20015914022 Bank Name: S.B.I., Reddygudem, Aadhar Card No: 4177 4802 6678, PAN No: ANLPP8069N, Email:surendrababu.pilli@gmail.com, do hereby swear under oath and sincerely affirm as follows:

That the present Writ Petition is being filed by way of Public Interest Litigation in the larger public interest to protect the Polavaram Right Canal and environment by stopping the illegal mining in the Krishna and NTR Districts.

P. Sw



That the entire litigation costs including the Advocate's fee are being borne by me and my PAN Number is ANLPP8069N.

That thorough research has been conducted in the matter raised through the petition and all the relevant documents pertaining to the subject as discovered by me are annexed with the present petition.

That to the best of my knowledge and research, I could secure the material papers.

That the petitioner understood that while hearing of this petition, the Court may require any security to be furnished towards costs or any other charges and the petitioners shall comply with such requirements.

6. **FACTS OF THE CASE:**

6.1 The petitioner learnt about the illegal mining on the Polavaram Right bunds in Krishna and NTR Districts and gathered the information visiting the ground and attempted to stop the illegal mining through submitting written representations to the responsible officials in the Government of India and Government of Andhra Pradesh.

6.2 Despite submitting several complaints to several authorities, no one has responded positively, and no action has been initiated to stop the illegal mining on Polavaram Right Canal which is causing pollution and destruction of the environment and causing huge financial loss to the Government.

P. Su

6.3 I respectfully submit that many times since 2020, it has been brought to the notice of the respondent officials about the illegal mining on the Polavaram Right Canal bunds in Krishna and NTR District, Andhra Pradesh by the mining mafia along with anti-social elements and corrupt officials without taking any permissions which are contrary to the existing laws and when the same was brought to the notice of the officials of the respondents arraigned hereinabove who have a responsibility to protect the Polavaram Right Canal and environment by stopping the illegal mining are failed to ensure the protection of environment even when they were made aware of the same separately.

6.4 I submit that Polavaram Right Canal Starts from the Head Regulator of Polavaram Dam at Thotagondi Village and runs for a length of 174 Kms dropping into river Krishna. It is contemplated to irrigate 1,30,000 hectares in West Godavari, Krishna, NTR District. Approximately 100 TMC of Godavari water will be diverted into Krishna River. It was declared as National Project under Section 90 of A.P. Re-organization Act, 2014.

6.5 It is further submitted that Government of A.P. spent Rs.3600 Crores to dig and construct Polavaram Right Canal. At the time of digging of Polavaram Right Canal, Crores of Cubic Meters Gravel and Clay was came and it was poured on the banks of the Polavaram Right Canal. It will improve the strength of the bunds of the Polavaram Right Canal. Approximately, 6 Crore Cubic Meters of Gravel/Clay was made available on the banks of the Polavaram Right Canal.

P Sw

6.6 It is further submitted that as per present SSR Rates, soil is Rs.86/- per Cubic Meter, gravel is Rs.113/- per Cubic Meter, the worth of the total material available on the banks of Polavaram Right Canal is Rs.600 Crores. Additionally, the Mining Department will get Rs.270 Crores at the rate of Rs.45/- per Cubic Meter as Seignorage Fee, total approximately Rs.870 Crores worth gravel was there on the banks of the Polavaram Right Canal.

6.7 It is further submitted that as there is huge demand for Soil/Gravel and there is no proper supervision on the Polavaram Right Canal, some persons having political power, started doing illegal mining on the bunds of Polavaram Right Canal causing heavy damage in Krishna and NTR Districts.

6.8 It is further submitted that when we made representations to the concerned authorities, some people took permits for small quantities and illegally mined out large quantities as there is no supervision of concerned authorities.

6.9 It is further submitted that the Polavaram Right Canal starts near 118 K.M. in the United Krishna District and joins the Krishna River at 174 K.M. The Polavaram Right Canal runs in United Krishna District for a length of 55 K.M. Gravel/Soil on the 55 Kms stretch of Polavaram Right Canal has been become a boon for illegal mining mafia.

P. Siva

Government of Andhra Pradesh not formulated any policy for the disposal of natural resources available on the Polavaram Right Canal. So, it paved way to the concerned Government Officers to earn huge money illegally. Some of Irrigation, Revenue, Mining, Vigilance Departments' officials colluded with the illegal mining mafia and allowed them to excavate gravel/soil round the clock since three years and it is still continuing.

6.10 It is further submitted that if someone gives any complaint on the illegal mining, they give permission to a small quantity and misleading the Government by saying that they have permissions, but the permissions given by them have nothing to do with the size of the illegal excavations they have done.

6.11 It is further submitted that in United Krishna District, there is approximately 2 Crores Cubic Meters of Gravel/Soil was extracted during digging and construction and it was dumped on the bunds of Polavaram Right Canal worth Rs.300 crores approximately.

6.12 It is further submitted that the mining mafia since four years, looted Rs.150 Crores worth gravel/clay by doing illegal mining. No permissions have been taken from the Irrigation Department, Mining Department, Pollution Control Board and the looting of natural resources on the bunds of Polavaram Right Canal in United Krishna District still continued in the broad day light every day. Due to political pressure and bribes, none of the officials interested in protecting the natural resources. The Government exchequer also lost crores of rupees because of this illegal mining.

P. Siva

6.13 It is further submitted that due to this illegal mining on the bunds of Polavaram Canal, the canal was damaged at so many places. Due to this, there is a danger that the banks of the Polavaram Canal will break and the village will drown. Due to lack of scientific mining, proper supervision, heavy vehicular movements, the Polavaram Right Canal is in danger of being completely destroyed.

6.14 It is further submitted that illegal mining threatens to completely change the shape and stream of the Polavaram Right Canal in Krishna District and illegal mining operations also polluting the air and it is very unfortunate to the neighbouring villages. The heavy vehicular movement day and night also causing huge sound pollution to the neighbouring villages. There is wide spread dust pollution and thereby the crops, Mango Trees are covered with the colour and dust of gravel causing huge loss to the farmers. It is a complete fragrant violation of statutory norms, for which the adverse and irreparable loss, damage caused to the Polavaram Right Canal.

6.15 It is further submitted that illegal mining activity, without any permissions substantially wounded resulting in amass wealth by officers and the mining mafia at the cost of environment and the eco system. All laws are violated for their illegal benefits.

6.16 It is humbly submitted that to avoid any further litigation, some small portion of gravel/clay on the bunds of Polavaram Right Canal allocated to the mining mafia arbitrarily and without transparency and fair play. The irrigation

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officials allotted the natural resources to their selected persons and their benamis and arbitrarily used their executive power without any fairness and against Article 19.

6.17 I submit that it is relevant to mention the related part of the judgment rendered by the Hon'ble Apex Court in the case of Centre for Public Interest Litigation and others Vs. Union of India and others, in Writ Petition (Civil) No.423 of 2010, decided on 02.02.2012.

"76. ... This Court has repeatedly held that wherever a contract is to be awarded or licence or a licence is to be given, the public authority must adopt a transparent and fair method for making selections so that all eligible persons get a fair opportunity of competition. To put it differently, the State and its agencies/instrumentalities must always adopt a rational method for disposal of public property and no attempt should be made to scuttle the claim of worthy applicants. When it comes to the alienation of scarce natural resources like minerals etc., it is the burden of the State to ensure that a non-discriminatory method is adopted for distribution and alienation, which would necessarily result in the protection of national/public interest. In our view, a duly publicized auction conducted fairly and impartially is perhaps the best method for discharging this burden and the methods like this above said type of allotment used for alienation of natural resources/public property are likely to be misused by unscrupulous people who are only interested in garnering maximum financial benefit and have no respect for the constitutional ethos and

P Sw

values. In other words, while transferring or alienating the natural resources, the State is duty bound to adopt the method of auction by giving wide publicity so that all eligible persons can participate in the process."

For the law laid down in the aforesaid case, the matter was referred to for opinion to the Apex Court. In Special Reference No.1 of 2012 [under Article 143(1) of the Constitution of India], while giving his opinion, the Apex Court has referred to the number of judgments rendered earlier. Some of them are as under:-

"1. In *M.C. Mehta Vs. Kamal Nath & Ors.*, (1997) 1 SCC 388, the Court *inter alia* observed as under:-

'34. Our legal system – based on English common law – includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources.

Which are by nature meant for public use and enjoyment. The public at large is the beneficiary of the seashore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.'

In *Netaji Bag & Ors. Vs. State of W.B. & Ors.*, (2000) 8 SCC 262, the Court observed that. '19. ... There cannot be any dispute with the proposition that generally when any State land is intended to be transferred or the State largesse decided to be conferred, resort should be had to public auction or transfer by way of inviting tenders from the people. That would be a sure

P. S.



method of guaranteeing compliance with the mandate of Article 14 of the Constitution. Non-floating of tenders or not holding of the public auction would not in all cases be deemed to be the result of the exercise of the executive power in an arbitrary manner. Making an exception to the general rule could be justified by the State executive if challenged in appropriate proceedings. The constitutional courts cannot be expected to presume the alleged irregularities, illegalities or unconstitutionality nor the courts can substitute their opinion for the bonafide opinion of the State executive. The courts are not concerned with the ultimate decision but only with the fairness of the decision-making process.' This court once again pointed out that there can be exceptions from the auction; the ultimate test is only that of fairness of the decision-making process and compliance with Article 14 of the Constitution."

... Auctions may be the best way of maximizing revenue "Common good" is the sole guiding factor under Article 39(b) for distribution of natural resources. It is the touchstone of testing whether any policy subserves the "common good" and if it does, irrespective of the means adopted, it is clearly in accordance with the principle enshrined Article 39(b).

The norm of the "common good" has to be understood and appreciated in a holistic manner. It is obvious that the manner in which the common good is best sub-served is not a matter that can be measured by any constitutional yardstick – it would depend on the economic and political philosophy of the government.

P. Rao

In Haji T.M. Hassan Rawther Vs. Kerala Financial Corporation (1998) 1 SCC 166, after an exhaustive review of the law including the decisions in Kasturi Lal (supra) and Sachidanand Pandey (supra), it was held that public disposal of State-owned properties is not the only rule. It was, inter-alia, observed that:-

14. The public property owned by the State or by any instrumentality of the State should be generally sold by public auction or by inviting tenders. This Court has been insisting upon that rule, not only to get the highest price for the property but also to ensure fairness in the activities of the State and public authorities. They should undoubtedly act fairly. Their actions should be legitimate. Their dealings should be above board. Their transactions should be without aversion or affection. Nothing should be suggestive of discrimination. Nothing should be done by them which gives an impression of bias, favoritism or nepotism. Ordinarily, these factors would be absent if the matter is brought to public auction or sale by tenders. That is why the court repeatedly stated and reiterated that the State-owned properties are required to be disposed of publicly. But that is not the only rule. As O.Chinnappa Reddy, J. observed "that though that is the ordinary rule, it is not an invariable rule". There may be situations necessitating departure from the rule, but then such instances must be justified by compulsions and not by compromises. It must be justified by compelling reasons and not by just convenience."

6.18 I submit that, in *Common Cause, A Registered Society Vs. Union of India & Ors.*, (1996) 6 SCC 530, has held that Article 14 of the Constitution of India, does not countenance discretionary power which is capable of being

P. R.



exercised arbitrarily. While accepting that Article 14 of the Constitution of India permits a reasonable classification having a rational nexus to the object sought to be achieved, it was held that Article 14 of the Constitution of India does not permit the State to pick and choose arbitrarily out of several persons falling in the same category. A transparent and objective criteria/ procedure has to be evolved so that the choice amongst those belonging to the same class or category is based on reason, fair play, and non-arbitrariness.

The State, being the owner of the mineral resources, shall have to ensure that the mineral resources are applied for the overall development of the community. The State also has the responsibility to the future generations insofar as mineral conservation and development is concerned.

6.19 It is humbly submitted that mining mafia divided the Polavaram Right Canal in United Krishna District into their territorial parts and doing illegal mining without any permissions from the concerned authorities.

In between Nunna and Surampalli Villages. Buddi Bhuvinandarao @ Kali, Kareem Khan, Inkollu Sunil Kumar are doing illegal mining on the bunds of Polavaram Canal since two years and it is still continuing as on today. They excavated and transported lakhs of Cubic Meters of gravel/clay without taking any permissions and doing with the support of officers. Lakhs of cubic meters of gravel/clay between the Nunna and Surampalli stretch has been illegally excavated, transported by the above persons and earned crores of rupees.

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At Balliparru Village of Gannavaram Mandal, Krishna District, Dandamudi Sai Krishna Chowdary, Chalivendra Ramakrishna are illegally excavating and transporting the gravel/clay since two years and it is still continuing, resulting amass wealth to the above persons as well as to the officers concerned.

Pothuraju Madhava, Vuyyuru Gopalarao are doing illegal mining on the bunds of Polavaram Right Canal at Kotturu Tadepalli Village of Vijayawada Rural Mandal, N.T.R. District, which is nearly and part and parcel of Kotturu Reserve Forest area since two years without any permissions and earned crores of rupees. Dhulippalla Purnachandra Rao doing illegal mining on the bunds of Polavaram Right Canal at Jakkampudi, Nynavaram Villages of Vijayawada Rural Mandal, NTR District and it is still continuing.

Akula Srinivasarao doing illegal mining on the bunds of Polavaram Right Canal at Pathapadu village, Vijayawada Rural Mandal since one year and it is still continuing with the collusion of the concerned officers.

6.20 It is humbly submitted that it is complete disregard and contempt for law and lawful authorities on the part of many among the emerging breed of mining mafia taking undue advantage of the country's natural resources for their illegal earnings. Mining and Irrigation authorities have a hand to glove with the mining mafia and helping them to escape from all the taxes. If this situation is not tackled and prevented, it will destroy, not only the Polavaram Right Canal environment, but also lead to the destruction of the social fabric and lead to social unrest and violence in society.



The Source of Information

The information furnished by me in the petition has been gathered by making field visits, by taking video footages, photographs and through the interaction with the villagers where the illegal mining is going on and preferring this Public Interest Litigation for stopping the illegal mining, damaging the Polavaram Right Canal for the protection of canal, natural resources, environment and therefore, I believe it to be true.

Nature of extent of injury caused/Apprehended

It is respectfully submitted that if the relief sought is not granted, it will affect the larger public interest. The mining mafia will continue the illegal mining and damage the Polavaram Right Canal, Environment, flora and fauna and the destruction of the social fabric of the society

Representations to the Authorities

The petitioner herein has been represented before the authorities several times, but in vain. Copies of the representations made along with postal tracking enclosed herewith.

Delay, if any:

I respectfully submit that immediately after coming to know about the illegal mining, the petitioner has approached all the authorities who are having jurisdiction for stopping of illegal mining on the canal and protection of the



environment, however, none of the authorities initiated steps to stop the illegal mining, I preferred this writ petition in the form of PIL, and hence, there is no delay in preferring the present Writ Petition and the illegal mining is still continuing.

Documents, Photographs relied upon:

The petitioner relied on the documents of representations made by the petitioner, photographs of the places where illegal mining is going on along with the longitude, latitude, time and date.

7. In the circumstances above, I have no efficacious alternative remedy except to seek redressal before this Hon'ble Court seeking the indulgence of this Hon'ble Court to exercise the extraordinary original jurisdiction vested in this Hon'ble Court by virtue of Article 226 of the Constitution of India.

8. I humbly submit that I have made representation to the Hon'ble Lokayuktha of A.P. to take action against erring officials. Other than this, I have not filed any other suit, writ or any other proceedings for the same relief in any other Court, Tribunal or authority in India.

9. **MAIN RELIEF PRAYER:**

Under the above mentioned circumstances, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order, or orders, more particularly one in the nature of Writ of Mandamus,

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- (a) Declaring the inaction of the Respondent authorities in not taking any action against the persons involved in excavating, transporting gravel/clay illegally from the bunds of Polavaram Right Canal in United Krishna District causing Crores of Rupees loss to the State exchequer. despite receiving several representations of the petitioner sought for action of the respondent authorities on the persons involved in excavating and transporting on the bunds of Polavaram Right Canal in United Krishna District without any permissions and in violation of The Mines and Mineral (Development and Regulation) Act, 1957, Environment Protection Act, A.P. Minor Mineral Concession Rules, The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 amounts to arbitrary, unlawful and dereliction of duty;
- (b) directing the respondents no mining operation shall takes place on the Polavaram Right Canal in United Krishna District unless all the statutory sanctions, permissions and approvals from the concerned authorities subsisting as per Law;
- (c) to Appoint a Committee by the Experts to assess and estimate the cost of the gravel/clay illegally excavated from the Polavaram Right Canal and damage caused to the canal by the illegal excavation and transportation of the mineral;
- (d) to direct the respondent to initiate action, criminal cases against all the violators involved either directly or indirectly in illegal mining including erring officials;

P Sw



- (e) to direct the respondents to make an enquiry by any Specialised Agency to unearth the quantity of gravel/clay illegally excavated and transported from the bunds of Polavaram Right Canal and to punish the person involved in the illegal mining and directing the recovery of illegal wealth accumulated through illegal mining and directing to punish the erring officials and to repair, restore, revegetate the illegally mined area and compensate for such repairs, restoration and revegetation;
- (f) to direct the respondents for the Prosecution of the offenders/ violators involved in loss of pilferage of State revenue, offences and illegalities committed in damaging the Polvaram Right Canal in connivance of public servants in abetting and aiding the offences;
- (g) and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

10. **INTERIM PRAYER:**

It is further prayed that this Hon'ble Court may be pleased to direct the Respondent authorities to forthwith take steps to stop the illegal mining activities conducting on the bunds of Polavaram Right Canal in united Krishna District pending disposal of the main writ petition, and to pass such other order or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

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11. It is further prayed that this Hon'ble Court may be pleased to direct the Respondent authorities to submit the action taken report to this Hon'ble Court, on the petitioner's representations dated 21.11.2022, pending disposal of the main writ petition, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

12. It is further prayed that this Hon'ble Court may be pleased to direct the Respondent authorities to conduct physical verification to the illegal mining areas on the bunds of Polavaram Canal and arrange their staff to stop illegal mining on the bunds of Polavaram Right Canal, pending disposal of the main writ petition, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Sworn and signed before me
on this the 14th day of February, 2023
at Amaravathi.


Deponent

Advocate :: Amaravathi

VERIFICATION STATEMENT

I, Pilli Surendra Babu, S/o.Nagaiah, Age 41 years, Occupation: Ex-Army, Social Activist, R/o.Kesarapalli Village, Gannavaram Mandal, Krishna District, Andhra Pradesh, being the petitioner herein, do hereby verify and state that the contents of the above paras of the affidavit filed in support of the Writ Petition are true to my personal knowledge and are based on legal advice and are believed to be correct.

Verified on this the 14th day of February, 2023 at Amaravathi.


Counsel for the Petitioner


Deponent



**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

MONDAY, THE SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE SRI PRASHANT KUMAR MISHRA
AND
THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR
W.P.(PIL). NO: 19 OF 2023**

Between:

Pilli Surendra Babu, S/o.Nagaiah, Age 41 years, Occupation. Ex-Army, Social Activist, R/o.Kesarapalli Village, Gannavaram Mandal, Krishna District, Andhra Pradesh, Phone. 9640141199, Pin. 521102. Bank A/c.No.20015914022, Bank Name. S.B.I., Reddygudem. Aadhar Card No. 4177 4802 6678, PAN No. ANLPP8069N Email ID. surendrababu.pilli@gmail.com

Petitioner

AND

1. Union of India, Rep. by Secretary to the Govt. of India, Rashtrapathi Bhawan, New.Delhi 110 004.
2. The Principal Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi -110 003.
3. The State of Andhra Pradesh, Rep. by its Chief Secretary, 4th Block, Secretariat, Velagapudi, Amaravathi - 522 503, Guntur District, A.P.
4. The Principal Secretary, Revenue Department, 4th Block, Secretariat, Velagapudi, Amaravathi - 522 503, Guntur District, A.P.
5. The Director General of Police, Vigilance and Enforcement, NTR Administrative Block, Pandit Nehru Bus Station, Vijayawada - 520 013.
6. The Addl. Director General of Police, CBCID, Police Head Quarters, Mangalagiri, Guntur District.
7. The Member Secretary, Andhra Pradesh Pollution Control Board, APPCB D.No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada - 520 010.
8. The Director, Department of Mines and Geology, Ibrahimpatnam, Vijayawada, NTR District.
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10. The Principal Secretary, Water Resources Department, Secretariat, Velagapudi, Amaravathi - 522 503, Guntur District, A.P.
11. The Engineer-in-Chief, Irrigation, Water Resource Department, Governorpet, Vijayawada.
12. The Collector and District Magistrate, Krishna District, Machilipatnam.
13. The Collector and District Magistrate, NTR Vijayawada District, Vijayawada.
14. The Regional Vigilance and Enforcement Officer, Vigilance and Enforcement Department, Vijayawada, NTR District.
15. Buddi Bhuvindarao @ Kali, S/o.Satyanarayana, Suram Palli Village, Gannavaram Mandal, Krishna District.

16. Dandamudi Sai Krishna Chowdary, S/o.Ramakrishna, R/o.Keesara Village, Kanchikacherla Mandal, NTR District. Ph.8897505319
17. Kareem Khan, S/o.Babu Khan, R./o.H.No.6-88/1, Rampur, Dharma Nagar Mandal, Warangal, Telangana - 506 151, Ph.8555961061
18. Inkollu Sunil Kumar, S/o.Sivaji, R/o.D.No.3-77, Bejathpuram Village, Tadikondi Mandal, Guntur District. Ph.9948252849
19. Chalivendra Ramakrishna, S/o.not known, R/o.Naridanauru Village, Unguturu Mandal, Krishna District. Ph. ,8179194479
20. Pothuraju Madhava, S/o..Seshaiah, R/O.Opp. Rice Mill, Kothuru, Tadepalli, Vijayawada Rural Mandal, NTR District. Ph. 9700908499
21. Vuyyuru Gopalrao, S/o Rangaiah, R/o.Beside Mee-seva Centre, Kothuru, Tadepalli, Vijayawada Rural Mandal, NTR District. Ph. 9490148424
22. Dhulipalla Purnachandra Rao, S/o.Devendra Rao, R/o.Nynavaram Village, Vijayawada Rural Mandal, NTR District. Ph. 9390508999
23. Akula Srinivasarao, s/o.not known, R/o.Kundavari Kandrika, Pathapadu, Vijayawada Rural Mandal, NTR Ph. 8332929497

Respondents

WHEREAS the above named through his Advocate Sri V R Maheswara Rao Paleti presented this pleased to issue a Writ, Order, or orders, more particularly one in the nature of Writ of Mandamus,

(a) Declaring the inaction of the Respondent authorities in not taking any action against the persons involved in excavating, transporting gravel/clay illegally from the bonds of Polavaram Right Canal in United Krishna District causing Crores of Rupees loss to the State exchequer despite receiving several representations of the petitioner sought for action of the respondent authorities on the persons involved in excavating and transporting on the bonds of Polavaram Right Canal in United Krishna District without any permissions and ha violation of The Mines and Mineral (Development and Regulation) Act, 1957, Environment Protection Act, A.P. Minor Mineral Concession Rules, The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981 amounts to -arbitrary, unlawful and dereliction of duty.

(b) directing the respondents no mining operation shall takes place on the Polavaram Right Canal in United Krishna District unless all the statutory sanctions, permissions and approvals from the concerned authorities subsisting as per Law.

(c) to Appoint a Committee by the 'Experts to assess and estimate the cost of the gravel/clay illegally excavated from the Polavaram Right Canal and damage caused to the canal by the illegal excavation and transportation of the mineral.

(d) to direct the respondents to initiate action, criminal cases against all the violators involved either directly or indirectly in illegal mining including erring officials;

(e) to direct the respondents to make an enquiry by any Specialised Agency to unearth the quantity of gravel/clay illegally excavated and transported from the bunds of Polavaram Right Canal and to punish the persons involved in the illegal mining and directing the recovery of illegal wealth accumulated through illegal mining and directing to punish the erring officials and to repair, restore, revegetate the illegally mined area and compensate for such repairs, restoration and revegetation.

(f) to direct the respondents for the Prosecution of the offenders/ violators involved in loss of pilferage of State revenue, offences and illegalities committed in damaging the Polvaram Right Canal in connivance of public servants in abetting and aiding the offences.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri V R Maheswara Rao Paleti Advocate for the Petitioner, Sri Harinath N , Deputy Solicitor General of India for the Respondent Nos. 1 & 2, GP for GAD for the Respondent No.3, GP for Revenue for the Respondent Nos. 4,12 & 13, GP for Home for the Respondent Nos. 5, 6, 9 & 14, GP for Mines for the Respondent No.8, Sri V.Surendra Reddy, Counsel for the Respondent No.7, directed issue of notice to the Respondents herein **returnable in four weeks** to show cause as to why this PUBLIC INTEREST LITIGATION should not be admitted.

You viz:

1. Secretary to the Govt. of India, Union of India , Rashtrapathi Bhawan, New.Dellhi 110 004.
2. The Principal Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi -110 003.
3. The Chief Secretary, State of Andhra Pradesh , 4th Block, Secretariat, Velagapudi, Amaravathi - 522 503, Guntur District, A.P.
4. The Principal Secretary, Revenue Department, 4th Block, Secretariat, Velagapudi, Amaravathi - 522 503, Guntur District, A.P.
5. The Director General of Police, Vigilance and Enforcement, NTR Administrative Block, Pandit Nehru Bus Station, Vijayawada - 520 013.
6. The Addl. Director General of Police, CBCID, Police Head Quarters, Mangalagiri, Guntur District.
7. The Member Secretary, Andhra Pradesh Pollution Control Board, APCCB D.No.33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamalavari Street, Kasturibaipet, Vijayawada - 520 010.
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13. The Collector and District Magistrate, NTR Vijayawada District, Vijayawada.
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15. Buddi Bhuvindarao @ Kali, S/o.Satyanarayana, Suram Palli Village, Gannavaram Mandal, Krishna District.
16. Dandamudi Sai Krishna Chowdary, S/o.Ramakrishna, R/o.Keesara Village, Kanchikacherla Mandal, NTR District. Ph.8897505319
17. Kareem Khan, S/o.Babu Khan, R./o.H.No.6-88/1, Rampur, Dharma Nagar Mandal, Warangal, Telangana - 506 151, Ph.8555961061

18. Inkollu Sunil Kumar, S/o.Sivaji, R/o.D.No.3-77, Bejathpuram Village, Tadikondi Mandal, Guntur District. Ph.9948252849
19. Chalivendra Ramakrishna, S/o.not known, R/o.Naridanauru Village, Unguturu Mandal, Krishna District. Ph. ,8179194479
20. Pothuraju Madhava, S/o..Seshaiah, R/O.Opp. Rice Mill, Kothuru, Tadepalli, Vijayawada Rural Mandal, NTR District. Ph. 9700908499
21. Vuyyuru Gopalrao, S/o Rangaiah, R/o.Beside Mee-seva Centre, Kothuru, Tadepalli, Vijayawada Rural Mandal, NTR District. Ph. 9490148424
22. Dhulipalla Purnachandra Rao, S/o.Devendra Rao, R/o.Nynavaram Village, Vijayawada Rural Mandal, NTR District. Ph. 9390508999
23. Akula Srinivasarao, s/o.not-known, R/o.Kundavari Kandrika, Pathapadu, Vijayawada Rural Mandal, NTR Ph. 8332929497

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith(copy enclosed) this WP(PIL) should not be admitted within four weeks.

IA NO: 3 OF 2023

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 direct the Respondent authorities to forthwith take steps to stop the illegal mining activities conducting on the bunds of Polavaram Right Canal in united Krishna District, , pending disposal of WP(PIL) No. 19 of 2023, on the file of the High Court.

IA NO: 2 OF 2023

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 direct the Respondent authorities to submit the action taken report to this Hon'ble Court, on the petitioner's representations dated 21.11.2022, pending disposal of WP(PIL) No. 19 of 2023, on the file of the High Court.

IA NO: 1 OF 2023

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 direct the Respondent authorities to conduct physical verification to the illegal mining areas on the bunds of Polavaram Canal and arrange their staff to stop illegal mining on the bunds of Polavaram Right Canal, pending disposal of WP(PIL) No. 19 of 2023, on the file of the High Court.

The Court made the following order :
(Through physical mode)

"Heard the learned counsel for the petitioner.

Issue notice to the respondents, returnable in four weeks.

Personal notice is also permitted.

Respondent Nos.10 and 11 shall file counter(s) along with comprehensive report on the issue of illegal mining over the subject area by the next date of hearing.

Post this case after four weeks.

Meanwhile, respondent Nos.10 and 11 shall ensure that there is no illegal mining on the bunds of Polavaram Right Canal in united Krishna District."

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

F1

To,

1. Secretary to the Govt. of India, Union of India , Rashtrapathi Bhawan, New.Dellhi 110 004.
2. The Principal Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi -110 003.
3. The Chief Secretary, State of Andhra Pradesh , 4th Block, Secretariat, Velagapudi, Amaravathi - 522 503, Guntur District, A.P.
4. The Principal Secretary, Revenue Department, 4th Block, Secretariat, Velagapudi, Amaravathi - 522 503, Guntur District, A.P.
5. The Director General of Police, Vigilance and Enforcement, NTR Administrative Block, Pandit Nehru Bus Station, Vijayawada - 520 013.
6. The Addl. Director General of Police, CBCID, Police Head Quarters, Mangalagiri, Guntur District.
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23. Akula Srinivasarao, s/o.not known, R/o.Kundavari Kandrika, Pathapadu, Vijayawada Rural Mandal, NTR Ph. 8332929497(1 to 23 by RPAD- along with a copy of petition and affidavit)
24. One CC to Sri V R Maheswara Rao Paleti, Advocate [OPUC]
25. One CC to Sri Harinath N, Deputy Solicitor General of India [OPUC]
26. Two CCs to GP for GAD, High Court of AP [OUT]
27. Two CCs to GP for Revenue, High Court of AP [OUT]
28. Two CCs to GP for Home, High Court of AP [OUT]
29. Two CCs to GP for Mines, High Court of AP [OUT]
30. Two CCs to GP for Irrigation & CAD, High Court of AP [OUT]
31. One CC to Sri V.Surendra Reddy, Counsel [OPUC]
32. Two spare copies.

RVK

HIGH COURT

HC,J & DR VRKKS,J

DATED:06/03/2023

POST THIS CASE AFTER FOUR WEEKS

NOTICE BEFORE ADMISSION

WP(PIL).No.19 of 2023

DIRECTION

