

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No.12895 of 2022

Between:

1. BODDUSATYAVATHI, W/O.RAMU BONDAPALLIMANDALAM,
KOTHAPALEM, VIZIANAGARAM - 535221.
2. GORLEVENKATARAMANA, S/O GORLESATHYANARAYANA
VARRIVEEDHI, KOTHAPALEM, VIZIANAGARAM - 535221.
3. DEVUPALLINARAM NAIDU, S/O ACHHANNA
C-93 VARRIVEEDHI, BONDAPALLIMANDALAM,
KOTHAPALEM, VIZIANAGARAM - 535221.
4. VARRISANYASAPPADU, S/O NAYANAPPA,
H.NO 1-63A, MAJJIVEEDHI, BONDAPALLIMANDALAM,,
KOTHAPALEM, VIZIANAGARAM - 535221.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH,
REP. BY ITS SPECIAL CHIEF SECRETARY TO GOVERNMENT
DEPARTMENT OF MINES AND GEOLOGY NELAPADU,
AMARAVATHI, GUNTUR DISTRICT.
2. THE ASSISTANT DIRECTOR, MINES,
OFFICE OF MINES AND GEOLOGY,
VIZIANAGARAM, ANDHRA PRADESH
3. THE DISTRICT COLLECTOR,
OFFICE OF THE COLLECTOR,
VIZIANAGARAM, ANDHRA PRADESH.
4. THE EXECUTIVE ENGINEER, IRRIGATION,
OFFICE OF THE IRRIGATION DEPARTMENT,
VIZIANAGARAM.
5. THE COMPETENT AUTHORITY LAQ,
REVENUE DIVISIONAL OFFICER,
OFFICE OF THE RDO, VIZIANAGARAM,
ANDHRA PRADESH

...RESPONDENT(S):

DATE OF JUDGMENT PRONOUNCED: 15.07.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

- | | |
|---|--------|
| 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 Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

JUSTICE MAHESWARA RAO KUNCHEAM

*** HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**

+ WRIT PETITION No.12895 of 2022

% 15.07.2026

BODDUSATYAVATHI, W/O.RAMU BONDAPALLIMANDALAM,
KOTHAPALEM, VIZIANAGARAM – 535221 & 3 others

... Petitioners

Vs.

THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF
SECRETARY TO GOVERNMENT DEPARTMENT OF MINES AND
GEOLOGY NELAPADU, AMARAVATHI, GUNTUR DISTRICT
& 4 OTHERS

... Respondents

! Counsel for Petitioners	:	Alekhya Reddy Tadasina
^ Counsel for Respondents	:	GP FOR REVENUE
		GP FOR IRRIGATION COMM
		AREA DEV
		GP FOR MINES AND GEOLOGY
		THE ADVOCATE GENERAL
? CASES REFERRED	:	36 L Ed 1018 (1892)
		(1997) 1 SCC 388
		(1995) 2 SCC 577
		(2000) 6 SCC 213
		(1981) 2 SCC 205
		(2012) 3 SCC 1
		2024 SCC OnLine SC 1796
		(1999) 8 SCC 266
		(2011) 8 SCC 568

Date of Reserved:08.05.2026

Date of pronouncement: 15.07.2026

Date of uploading: 15.07.2026

APHC010219002022



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

[3504]

WEDNESDAY, THE 15th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 12895 of 2022

Between:

1. BODDUSATYAVATHI, W/O. RAMU BONDAPALLIMANDALAM,
KOTHAPALEM, VIZIANAGARAM - 535221.
2. GORLEVENKATARAMANA, S/O GORLESATHYANARAYANA
VARRIVEEDHI, KOTHAPALEM, VIZIANAGARAM - 535221.
3. DEVUPALLINARAM NAIDU, S/O ACHHANNA C-93 VARRIVEEDHI,
BONDAPALLIMANDALAM, KOTHAPALEM, VIZIANAGARAM - 535221.
4. VARRISANYASAPPADU, S/O NAYANAPPA, H.NO 1-63A,
MAJJIVEEDHI, BONDAPALLIMANDALAM, KOTHAPALEM,
VIZIANAGARAM - 535221.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF
SECRETARY TO GOVERNMENT DEPARTMENT OF MINES AND
GEOLOGY NELAPADU, AMARAVATHI, GUNTUR DISTRICT.
2. THE ASSISTANT DIRECTOR, MINES, OFFICE OF MINES AND
GEOLOGY, VIZIANAGARAM, ANDHRA PRADESH
3. THE DISTRICT COLLECTOR, OFFICE OF THE COLLECTOR,
VIZIANAGARAM, ANDHRA PRADESH.
4. THE EXECUTIVE ENGINEER, IRRIGATION, OFFICE OF THE
IRRIGATION DEPARTMENT, VIZIANAGARAM.

5.THE COMPETENT AUTHORITY LAQ, REVENUE DIVISIONAL OFFICER, OFFICE OF THE RDO, VIZIANAGARAM, ANDHRA PRADESH

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any order, direction, writ more particularly one in the nature of Writ of Mandamus, declaring the actions of the Respondents, more particularly respondent no.3 in permitting the concessionaires and other organisations to excavate and shift sand and gravel from nearby ponds existing in the nearby villages for construction work relating to National Highways including the issuance of the proceedings vide Rc No 2292/2015/G3/Dt. 08.04.2022 and Rc No 2292/2015/G3/Dt. 15.04.2022 as illegal, arbitrary, unconstitutional, without jurisdiction and contrary to the provisions of Mines and Minerals (Development and Regulation) Act, 1957, A.P. Minor Mineral Concession Rules, 1966 and Andhra Pradesh Mineral Dealer Rules, 2017 and consequently direct the respondents to forthwith stop the illegal mining operations happening in the kannamnaidu water pond, KothtapalleVilalge, BondapalleMandalam and set aside the impugned proceedings and pass

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 direct the respondents to forthwith stop the illegal mining operations happening in the Kannaninaidu water pond, Kothapalle Village, BondapalleMandalam by suspending the impugned proceedings pending the final disposal of the writ petition and pass

Counsel for the Petitioner(S):

1.ALEKHYA REDDY TADASINA

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR IRRIGATION COMM AREA DEV

3.GP FOR MINES AND GEOLOGY

4.THE ADVOCATE GENERAL

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION No.12895 of 2022****The Court made the following Order:**

Instant Writ Petition has been filed under Art 226 of the Constitution of India with the following main prayer:

“to issue any order ,direction , writ more particularly one in the nature of Writ of Mandamus declaring the actions of the Respondents more particularly respondent no.3 in permitting the concessionaires and other organisations to excavate and shift sand and gravel from nearby ponds existing in the nearby villages for construction work relating to National Highways including the issuance of the proceedings vide Rc No 2292/2015/G3/Dt 08 04 2022 and Rc No 2292/2015/G3/Dt 15 04 2022 as illegal arbitrary unconstitutional without jurisdiction and contrary to the provisions of Mines and Minerals Development and Regulation Act 1957 A P Minor Mineral Concession Rules 1966 and Andhra Pradesh Mineral Dealer Rules 2017and consequently direct the respondents to forthwith stop the illegal mining operations happening in the kannamnaidu water pond Kothtapalle Village, Bondapalle Mandalam and set aside the impugned proceedings and pass may deem fit and proper in the circumstances in the case”.

2. Petitioners are aggrieved by the action of Respondent No.3 in permitting concessionaires and other organisations to excavate sand and gravel from nearby ponds/water bodies existing in the nearby villages for construction work relating to National Highways.

3. Brief facts of the case is as follows:

- i) Petitioners are farmers in Kothapalem Village, Bondapalli Mandal, Vizianagaram District and “Kannamnaidu Water Pond” is the only source of water to carry out their agricultural activities and it acts as source of water for nearby villages spreading up to nearly 2,000 acres. Petitioners submit that Government of India, issued a Notification for acquisition of land in Vizianagaram District, for the development of Economic Corridors, Inter Corridors, Feeder Routes and Coastal Roads to improve the efficiency of freight movement of India (Lt-3/Odisha &Jharkhand-Kurd-Ondarangi Section of Raipur-Vishakapatnam EC Extension upto Vizianagaram in the State of Andhra Pradesh from 363.62 Kms to 458.05 Kms Section of NH130CD.)
- ii. Concessionaires of the National Highway Project requested the District Collector i.e., Respondent No.3 to excavate and shift the soil and gravel from the nearby ponds in the existing villages, for the purpose of construction of National Highway and that in the reply to the said request, the District Collector straightaway directed Respondent Nos.2 and 4 vide Rc.No.2292/2015/G3/ Dt.08.04.2022 and Rc.No.2292/2015/G3/Dt.15.04.2022 to facilitate the concessionaires to excavate and shift the soil and gravel from the ponds in the nearby villages identified by the Respondent No.5/Competent Authority (L.A.)NH-130 CD &

Revenue Divisional Officer, Vizianagaram, for the construction purpose, so as to facilitate the concessionaries for the work.

4. Learned counsel for the petitioners submit that the action of the 3rd Respondent (District Collector) in issuing Rc.No.2292/2015/G3/Dt.08.04.2022 and Rc.No.2292/2015/G3/Dt.15.04.2022 to Respondent Nos.2 and 4 is grossly illegal and arbitrary, as the District Collector is not having any authority or jurisdiction.

5. Learned counsel further submits that even assuming a moment that the work of National Highway is in the interest of the public, the mere use of the term '*public interest*' does not permit the authorities to violate mining rules, where environmental and other ecological issues are directly involved.

6. Learned counsel for the petitioners contend that as per the Andhra Pradesh Minor Mineral Concession Rules, 1966, the soil and gravel are Minor Minerals and as per the Andhra Pradesh Minor Mineral Concession Rules, 1966; Andhra Pradesh Mineral Dealers Rules, 2017; and Mines and Minerals (Development & Regulation) Act, 2017, no person shall undertake quarrying of any minor mineral in any area except either under the conditions stipulated therein of a lease agreement or under a permit granted to the persons under the Andhra Pradesh Minor Mineral Concession Rules, 1966.

7. Learned counsel further argues that identification of the place to excavate the soil and gravel cannot be done, at the whims and fancies of the

Respondents and submits that proper identification has to be done in consultation and approval of the conservator of water bodies.

8. Learned counsel further asserts that in order to excavate the soil and gravel from the Kannamnaidu Water Body, an application has to be made before concerned authorities including Respondent No.2 and other numerous permissions are required to be taken before excavating the soil and gravel, including transit passes and dispatch permits. He submits that in the present case, no such application has ever been made to excavate the soil from Kannamnaidu Water Body.

9. At last, he contends that the District Collector has subsumed the jurisdiction of the Mines Department and illegally issued the impugned proceedings. It is also stated that the petitioners along with the other villagers have also made a representation to the respondents and other officers to immediately stop the concessionaries from excavating and shifting the soil and gravel from Kannamnaidu Water Body. But, the respondents have not paid any heed to the requests of the petitioners and are helping the concessionaries to further excavate and shift the soil and gravel illegally.

10. Learned Government Pleader for Mines and Geology appearing on behalf of respondent Nos.1 and 2 submits that Respondent No.3 has issued instructions vide Rc.No.2292/2015/G3, dated 08.04.2022 to the 2nd Respondent stating that the competent authority (LA) NH-5130 CD & Revenue Divisional Officer, Vizianagaram has reported that the Government of India has issued notification for acquisition of land in Vizianagaram District, for

development of Economic Corridors, Feeder Routes and Coastal Roads to improve the efficiency of freight movement of India (Lot-3/Odisha and Jharkhand-Kurd-Ondarangi Section of Raipur-Visakhapatnam EC Extension upto Vizianagaram and from 363.32 Kms to 458.05 Kms Section of NH-130) and as a part of the above project, construction work is going on in certain places in the district and the concessionaries who are holding the construction work have requested to shifting of gravel/Earth from the nearby places, for construction work and also excavation of sand from the nearby ponds existing in the nearby villages, for construction purpose.

11. He further submits that, the 3rd Respondent requested the 2nd Respondent to permit the concerned, for shifting of gravel and excavation of sand from the ponds in the nearby available villages, as identified by the Competent Authority (L.A) NH- 130CD & Revenue Divisional Officer, Vizianagaram, for construction purpose, so as to facilitate the concessionaries for speedy completion of the work.

12. Learned Government Pleader contends that as per office records, no applications were received from the concessionaries for issue of permit, consequent to the instructions issued by the 3rd Respondent in Rc.No.2292/2015/G3, dated 08.04.2022 and as such, no permits were accorded to any concessionaries from this office to excavate the soil and gravel from the nearby ponds in nearby villages to the Highway works as contended by the petitioner. He asserts that the permits can be issued on collection of necessary Seigniorage Fee, application fees, rents and rates as

prescribed by the Government under Andhra Pradesh Minor Mineral Concession Rules, 1966, after receipt of necessary orders from the concerned mining authorities.

13. It is apt to note that, except the 2nd Respondent, no other Respondents have filed counter-affidavit. In fact, the Respondent Nos.2 and 3 filed Memos by compilation of their concerned departments G.O's and Memos/Circular Instructions in respect of Water Bodies, Tanks, Bed Lands etc.

14. It is pertinent to note that, this Court on 06.05.2022 observed that the impugned proceedings does not contain any guidelines and that giving such a general permission is clearly not conducive to the ecological balance of the water bodies and suspended the proceedings, by leaving it open to the District Collector, Vizianagram, to issue fresh proceedings, after taking into consideration, the requirement to maintain the ecological balance of water bodies including ponds in the villages and after setting out guidelines, as to how such excavation is to be carried out. Thereafter, the matter was listed on 16.02.2026 and there was no representation for the petitioner on that day and later, when the matter was subsequently listed on 20.02.2026, in view of the gravity of issue on hand, this court directed the learned Government Pleader for Revenue and learned Government Pleader for Irrigation to submit their respective departmental G.O.'s/Memos/Guidelines etc., in respect of preservation and protection of water bodies and to prepare comprehensive report in detail, more particularly, the remedial measures taken for preserving water bodies across the State.

15. Further, the matter was adjourned twice to give time to learned Government Pleaders to submit their respective response. At last, when the matter was listed on 01.04.2026, the learned Government Pleader has submitted their respective compilation, and on that date, this Court after taking into consideration of all the facts and circumstances, has passed an order, wherein the relevant portion is extracted hereunder:

“4. Today when the matter is taken up for hearing, respective Government Pleaders submitted that they have complied with the earlier orders of this Court and filed respective compilation of Government Memo and other documents.

5. After glancing the relevant material filed by the respective parties, this Court by exercising power under Article 226 of the Constitution of India and also after taking note of the judicial notice of successive cases being filed before this Court alleging the illegal excavation of natural resources i.e., water bodies, hillock etc., particularly minor,

6. Added to that keeping in view Doctrine of Salus Populi Suprema lex (the welfare of people in the supreme law) and also Doctrine of Public Trust, as the same were recognized right from vedic period as well as Indian dynasties some of them are Mourya, Gupta, Chola, Vijayanagara, which are being followed by the Apex Court and this Court in catena of judgments as well as multiple statutory frame works codified by our legislative bodies.

7. In fact, the Executive Authorities also issuing repeated Memos by merely mentioning specific orders of the Constitutional Courts for instance Govt.MemoNo.50150/Assn.J(1)/98.1 dated 02.09.1998 was issued by the Government of Andhra Pradesh wherein by mentioning interim order dated 22.09.1997 in WP MP No.27780 of 1997 in WP No.23829 of 1997 passed by the common High Court at Hyderabad issued specific measures to all the District Collectors in the entire state

which seems to remain as mere communication in the concerned Government Office files. But its true letter and spirit is lacking in its implementation by the ground level office personnel.

8. *In view of the above peculiar aspects involved in the lis, as well as similar cases are being filed day in and day out, this Court venture into pass the following order.*

9. *All the parties are hereby directed to come up with effective appropriate measures comprehensively within the statutory realm more particularly, in view of significance of the lis, as well as series of identical/similar cases are pending before this Court, Chief Secretary to State of Andhra Pradesh is hereby directed to look into above aspects and give suitable instructions to all the concerned respondents to submit their concerned departmental measures etc., and thereafter codifying the same in a structured manner in the form of Standard Operating Procedures (SOP), with a sole intention to prevent/address the illegal, irregular acts which are greatly damaging the water bodies in multiple facets.*

10. *Registry is directed to serve a copy of this Order to the Chief Secretary to the Government of Andhra Pradesh, the Principal Secretary-Irrigation Department, the Principal Secretary-Revenue Department, the Principal Secretary-Land Acquisition Department and also to the learned Advocate General, High Court of Andhra Pradesh, for taking effective steps to reach logical end in the lis.*

11. *Registry is directed to print the name of learned Advocate General for the respondents in the cause list.”*

Emphasis supplied.

16. Idea of conserving and protecting the nature is not a modern development because the concept of respecting, protecting and conserving the nature has been in existence, since ancient times across the world. More particularly, in our Indian context, our ancient scriptures teaches us to respect

and worship the earth, sky, rivers, plants which all form part of nature and the same is rooted in the belief that such resources are intended for common benefit of all living beings.

17. Water and other natural resources has always been regarded as a sacred and life-sustaining resource across the world's major religions, reflecting the essence of the Doctrine of Public Trust. In Hinduism, rivers such as the Ganga, Yamuna, and Godavari are revered as divine mothers, and water is considered a purifier of the body, mind, and soul. The Vedas and other Hindu scriptures emphasize that natural resources are gifts of nature meant for the welfare of all living beings and should not be polluted or monopolized.

18. In Christianity, water symbolizes life, purification and renewal, as seen in the sacrament of baptism and numerous Biblical references describing water as God's blessing for all humanity. The Bible teaches that the Earth and its resources belong to God and human beings are merely stewards entrusted with their protection and responsible use.

19. Similarly, in Islam, water is regarded as a divine gift and a source of life. Islamic teachings prohibit wastage and contamination of water and recognize that all people have an equal right to access this essential resource. Thus, the shared values of Hinduism, Christianity, Islam and all other communities recognize water not as private property but as a common heritage entrusted to human kind for preservation and equitable use from generation to generation. These religious principles closely align with the *Doctrine of Public Trust*.

20. The “**Doctrine of Public Trust**” is based on a principle that certain resources like air, sea, water, forests etc are gifts of nature and should be made available to all the people and as such, it must be held by the State as a trustee for the public, as it would be unjustified to subject these valuable resources to private ownership. The doctrine imposes a duty on the State to preserve and protect the resources in the public interest as to preserve the natural resources for present and also for future population.

21. In this context, it is apt to note that the *Doctrine of Public Trust* has its origin in Roman Law, whereas under English common law, the Sovereign could own the natural resources but the ownership was limited in nature and the Crown could not grant these properties to private owners, if such grants would interfere with the public interests in navigation or fishing. The United States Supreme Court, in the case of ***Illinois Central Railroad Co Vs People of State of Illinois***¹, vividly explained its substantial thoughts in the domain of *Doctrine of Public Trust* and the Hon’ble Supreme Court of India in the case of ***M.C. Mehta v. Kamal Nath***², have discussed the philosophical basis and 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. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These

¹36 L Ed 1018 (1892)

²(1997) 1 SCC 388

resources meant for public use cannot be converted into private ownership.”

Thus, Apex Court of India in its unequivocal words explained the origin, significance in a meaningful manner and recognized it as an integral and inextricable part of Indian Jurisprudence. The Court categorically held that the public trust doctrine is part of law of this country.

22. Significantly, preservation and protection of environment has been recognized as an integral part of Right to Life guaranteed under Article 21 of the Constitution of India.

23. In ***Virender Gaur v. State of Haryana***³, Hon'ble Supreme Court observed that the Right to Life under Article 21 of Constitution of India, extends beyond mere physical existence and includes Right to Live with human dignity in a clean, safe and healthy environment, for which protection and preservation of the environment, maintenance of ecological balances and access to unpolluted air and water are just necessary and held that the State has to forge in its policy to maintain ecological balance and hygienic environment.

24. Further, Articles 48-A and 51-A(g) of the Constitution, lays down a strong foundation pertaining to environment, preservation of forests, wildlife, rivers and lakes. Constitutional philosophy enshrined in these constitutional provisions must be implemented in its *stricto sensu*. For better understanding Article 48-A and Article 51-A(g) of the Constitution is delineated as under:

³(1995) 2 SCC 577

"48-A. Protection and improvement of environment and safeguarding of forests and wildlife. The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."

"51-A. (g) to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures".

Emphasis supplied

25. Whereas the Apex Court in ***M.C. Mehta v. Kamal Nath***⁴, held that Articles 48A and 51A(g) of the Constitution of India must be interpreted in light of Article 21 of Constitution of India. In this context, it is significant to extract the relevant portion:

"8. These two articles have to be considered in the light of Article 21 of the Constitution, which provides that no person shall be deprived of his life and liberty except in accordance with the procedure established by law. Any disturbance of the basic environment elements, namely air, water and soil, which are necessary for "life", would be hazardous to "life" within the meaning of Article 21 of the Constitution."

26. In ***State of Tamil Nadu v. M/s. Hind Stone and Others***⁵, the Hon'ble Supreme Court observed that natural resources, including minerals, are part of the nation's wealth and that every generation bears a responsibility to conserve and develop them in the best possible manner, for the benefit of the future.

"6. Rivers, Forests, Minerals and such other resources constitute a nation's natural wealth. These resources are not to be frittered away and exhausted by any one generation. Every generation owes a duty to

⁴(2000) 6 SCC 213

⁵(1981) 2 SCC 205

all succeeding generations to develop and conserve the natural resources of the nation in the best possible way. It is in the interest of mankind. It is in the interest of the nation"

27. Hon'ble Supreme Court in **Centre for Public Interest Litigation & Ors v. Union Of India & Ors**⁶, while dealing with the Doctrine of Public Trust and the distribution of natural resources observed that there is no universally accepted definition of natural resources and that such resources are generally considered as having intrinsic utility to mankind and further held that

"74.... Natural resources belong to the people but the State legally owns them on behalf of its people and from that point of view natural resources are considered as national assets, more so because the State benefits immensely from their value.

75. The State is empowered to distribute natural resources. However, as they constitute public property/national asset, while distributing natural resources, the State is bound to act in consonance with the principles of equality and public trust and ensure that no action is taken which may be detrimental to public interest. Like any other State action, constitutionalism must be reflected at every stage of the distribution of natural resources. In Article 39(b) of the Constitution it has been provided that the ownership and control of the material resources of the community should be distributed so as to best subserve the common good, but no comprehensive legislation has been enacted to generally define natural resources and a framework for their protection. Of course, environmental laws enacted by Parliament and State Legislatures deal with specific natural resources i.e forest, air, water, coastal zones etc "

⁶(2012) 3 SCC 1

Which means the State is the legal owner of the natural resources as a trustee of the people and although it is empowered to distribute the same, the process of distribution must be guided by the constitutional principles including the doctrine of equality and larger public good.

28. Moreover the Constitutional Bench (Nine Judge Bench) of Hon'ble Supreme Court in ***Mineral Area Development Authority Etc v. M/s.Steel Authority of India***⁷, reaffirmed that natural resources, including minerals, are held by the State in trust for the benefit of the people, the State is under a constitutional obligation to protect, manage, and regulate mineral resources in a manner that serves the public interest, ensures sustainable development, and safeguards the interests of both the present and future generations. And stated that:

“61. The principles which emanates from the above discussion is that State holds all natural resources, including minerals as a trustee of the public and must deal with them in a manner consistent with the nature of such trust”

Therefore, in view of Constitutional Provisions, coupled with authoritative judicial dictums by the Supreme Court, some of which have been only referred above for illustrative purposes wherein the Doctrine of Public Trust has been mandated and is required to be implemented in its true letter and spirit in the pragmatic way.

29. Coming to the case on hand, it is the specific case asserted by learned counsel for the petitioners that the 3rd Respondent who is District Collector,

⁷ 2024 SCC OnLine SC 1796

without following due process of law, unilaterally, arbitrarily issued proceedings *vide* Rc.2292/2015/G3, dated 08.04.2022, addressed to the 2nd Respondent-Mining Authority to permit the concessionaires for shifting of gravel and excavation of sand from the ponds/water bodies from the nearby villages as identified by the 5th Respondent. Similarly, the very same 3rd Respondent also issued Proceedings *vide* Rc.2292/2015/G3, dated 15.04.2022 addressing the 4th Respondent who is Executive Engineer in Irrigation Department in a similar fashion and asked them to facilitate the concessionaires. In proof of the said assertions, learned counsel for the petitioners placed the relevant proceedings as material papers along with multiple photographs, which clearly depicts the process of excavations of the sand and gravel in and around the water bodies.

30. In reply to the said Writ Affidavit, Respondent Nos.1 and 2 only have filed Counter Affidavit, wherein they have also admitted the issuance of proceedings dated 08.04.2022 addressed to the Respondent No.2, however, they have stated that as per their office records, they have not received any application from the concessionaries seeking permission to excavate soil and gravel and that they have not issued any permits in that regard.

31. In the light of above rival contentions asserted by the respective counsels, it is crystal clear that the averments relates to the excavation and shifting of the sand and gravel nearby the water bodies. Added to that, it is *prima facie* evident from the material on record filed by the petitioner along

with the Writ Affidavit (which remains undisputed by the respondents) that excavation and shifting are taking place in and around the water bodies.

32. In fact, Respondent Nos.3 & 4 who are answering Respondents have not filed any counters either substantiate or contradicting the issuance of proceedings dated 08.04.2022 and 15.04.2022 by Respondent No.3 (District Collector). Thus, in view of the above apparent facts and circumstances, it is crystal clear that the issuance of proceedings dated 08.04.2022 and 15.04.2022 are not in dispute at all.

33. At this juncture, it is relevant to note that sand and gravel comes under the definition of "Minor Minerals" in terms of Section 3(e) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 empowers the State Governments to make rules for regulating the grant of quarry leases, mining leases or other mineral concessions, in respect of the Minor Minerals by the way of notification in the Official Gazette.

34. Subsequently, the State of Andhra Pradesh has framed Andhra Pradesh Minor Mineral Concession Rules, 1966 and Section 5 of the said Rules states that 'no person shall undertake any quarrying of any minor mineral in any area, except in accordance with the terms and conditions of quarry lease or a permit granted under these Rules'.

35. It is also significant to note that, though the verbatim used by 3rd Respondent by way of the impugned proceedings dated 08.04.2022 and

15.04.2022, at the first glance gives an impression of request, but the proceedings in its entirety reveals that it is nothing but a way of directions issued to the Government Officials i.e., Mining Department as well as the Irrigation Department, without taking comprehensively taking into consideration its catastrophic consequences and also ignoring the very fundamental and foundational aspects of “*Doctrine of Public Trust*”.

36. The impugned proceedings issued by the 3rd Respondent are emanated without there being any proper application, along with all the procedural pre-requisites, as envisaged in Mining Laws in vogue. As such, the impugned proceedings dated 08.04.2022 and 15.04.2022 are contrary to the due procedure established under the law.

37. It is well settled that, once the procedure is contemplated under the law, it cannot be deviated or tinkered by any authorities. In a nutshell, the statutory procedures should be followed in its true letter and spirit, without any retractions. In this context, it is relevant to note the dictum of the Apex Court in ***Chandra Kishore Jha Vs. Mahvir Prasad***⁸, wherein it is observed that where a statute provides a thing to be done in particular manner, then it has to be done in that particular manner but not otherwise.

38. It is pertinent to note that, even though the projected purpose is speedy completion of the works of the National Highways, but it is relevant to take into note of statutory realm as well as ground realities. Neither the National Highway Authorities of India nor concessionaries have preferred any

⁸ (1999) 8 SCC 266

prescribed application. More so, the concessionaries secured the construction contract on monetary basis, from the National Highway Authorities but on not charity basis. Added to that, they will also receive requisite amounts towards execution of the commercial contracts, as such, it is their duty and responsibility to secure the gravel and sand from the Statutory authorities, after following the due procedure established under the law but not beyond the statutory rigour.

39. Therefore, the impugned proceedings dated 08.04.2022 and 15.04.2022 issued by the 3rd respondent are arbitrary, illegal and also against the very foundational principles of “Doctrine of Public Trust” too. Hence, they are liable to be set aside.

40. It is significant to note that the fruits of the *Doctrine of Public Trust* will not yield instantaneous reliefs, but following it in its true letter and spirit would be beneficial to the future generations, who are none other than our own progeny. In that sense, it can be seen as gift to the our successors. The environment and natural resources are national assets and must be held for the benefit of both present and future generations. *Doctrine of Public Trust* looks beyond the needs of the present generation and obligates the State to protect the natural resources for the future generations as well.

41. For instance, if our earlier generations had failed to preserve and protect the environment, natural resources and had they exploited them solely for their own selfish purposes, we, the present generation would have faced severe and multifaceted consequences, directly affecting our very sustenance

that is Right to Life and its expanded dimensions. Although we are presently confronted with several environmental challenges, we have not reached a stage of acute scarcity. So now, if we ignore the principle and true spirit of *Doctrine of Public Trust*, it would result in grave and far-reaching consequences, for our own progeny

42. At this juncture, it is apposite to look back at history. Several visionary Rulers undertook enormous efforts to create and preserve water bodies for the welfare of posterity. One such example is Cumbum Cheruvu, man-made largest artificial tank developed in the reign of Sri Krishnadevaraya of the Vijayanagara Empire in the 15th Century⁹, which even today continues to cater the needs of the people in and around Prakasam District. Likewise, Anantharaja Sagar, popularly known as “Porumamilla Cheruvu”, Bukkarayasamudhram Cheruvu and several other water bodies, constructed centuries ago, continue to fulfil the essential needs of people, particularly in the drought-prone Rayalaseema Region of the State of Andhra Pradesh. The above illustrations are only a few living examples and are merely illustrative in nature, they are by no means exhaustive.

43. There are multiple facets which are paving way to ‘*Doctrine of Public Trust*’, and it emerged as one of the branch of contemporary jurisprudence. In fact, both the Union and the State Governments have enacted multiple legislations to strengthen the Doctrine of Public Trust. One of such example is

⁹The Imperial Gazetteer of India, vol. 11, Coondapoor to Edwardesabad (Oxford: Clarendon Press, 1908), Page Nos.74–75.

the Andhra Pradesh Water Land and Trees Act, 2002 (for short “AP WALTA Act”). A glance at the salient features of the AP WALTA Act would show that it sets out a statutory scheme to curb environmental degradation and to preserve the water, trees and land which are indispensable and inextricable components of the *Doctrine of Public Trust*.

44. There are numerous welfare legislations to protect the major environmental components such as air, water etc., in vogue providing different and distinct parallel forums. But, despite the existence of multiple statutory *quasi-judicial*, administrative foras, a vacuum/gap continues to exist in the ground reality. Such gap may be attributable to either intentional or unintentional acts or omissions by the State and its instrumentalities.

45. In ***Delhi Jal Board Vs National Campaign for Dignity and rights of Sewerage and Allied Workers & Ors***¹⁰, Hon’ble Supreme Court observed that despite the enactment of several welfare legislations by Parliament and State to achieve the constitutional goals set out in the Constitution, the implementation has remained extremely inadequate which leads to multifarious problems.

46. In the light of above detailed views, this Court by invoking its inherent powers with a sole intention to protect the broader spectrum of *Doctrine of Public Trust* in all its facets, effectively and consistently, on 01.04.2026 directed the Principal Chief Secretary of the State of Andhra Pradesh to submit comprehensive Standard Operative Procedure (SOP), with due

¹⁰ (2011) 8 SCC 568

coordination from concerned Departments with the advice of learned Advocate General, State of Andhra Pradesh.

47. Consequently, the Office of learned Advocate General submitted Standard Operative Procedure, vide Memo No.ICD01-COOR0MISC/60/2026 Reforms dated 08.05.2026 and a copy of same is served on learned counsel of the petitioner as well. Pursuant to which, learned counsel for the petitioners filed response to the same. For the purpose of holistic understanding and to gain complete picture, the said SOP is delineated as under:-

“GOVERNMENT OF ANDHRA PRADESH
WATER RESOURCES DEPARTMENT

STANDARD OPERATING PROCEDURE (SoP)
FOR
IDENTIFICATION, REPORTING, REMOVAL AND RECOVERY OF
COST OF REMOVAL OF
UNAUTHORIZED ENCROACHMENTS AND ILLEGAL EXCAVATION FROM
WATER BODIES & NATURAL SOURCES
(Tanks, Foreshore Areas, River Courses, Canals & Water Bodies)

PREFACE

The water bodies of Andhra Pradesh comprising tanks, ponds, reservoirs, lakes, rivers, streams, foreshore areas, irrigation channels, canals and drains including reservoir bunds, tank bunds, canal/channel banks-are critical public assets. They sustain agriculture, ground water recharge, fisheries, biodiversity, and the drinking water security of millions of citizens. Unauthorized encroachments on these waterbodies including construction of structures, dumping of waste, agricultural cultivation, industrial activity, unauthorized excavation of sand/earth/soil and commercial use without authorization-severely impair their capacity, ecology, and public utility.

The water bodies of Andhra Pradesh comprising tanks, ponds, reservoirs, lakes, rivers streams, foreshore areas, irrigation channels, canals and drains including reservoir bunds tank bunds, canal/channel banks are critical public assets. They sustain agriculture. groundwater recharge, fisheries, biodiversity, and the drinking water security of millions of citizens. Unauthorized encroachments on these water bodies including construction of structures, dumping of waste,

agricultural cultivation, industrial activity, unauthorized excavation of sand/earth/soil and commercial use without authorization severely impair their capacity, ecology, and public utility.

The Government of Andhra Pradesh has enacted and adopted several legal instruments to prevent and remove such encroachments, including A.P. Land Encroachment Act, 1905, A.P. Municipalities Act, 1965, A.P. Irrigation Utilization and Command Area Development Act, 1984, AP Panchayath Raj Act, 1994, Andhra Pradesh Water, Land & Trees Act, 2002 (APWALTA), the A.P. Rights in Land and Pattadar Pass Books Act, 1971, the Environment Protection Act, 1986, the Bharatiya Nyaya Sanhita, 2023 and the Sand Mining (Prevention of Illegal Mining, Transportation and Storage) Rules, 2016 under the MMDR Act.

All field officers, revenue authorities, irrigation engineers and enforcement agencies of the State are directed to follow this SoP for implementation of the legal provisions cited herein.

Where encroachment removal orders are challenged before Courts, the concerned departments shall ensure that Government Pleaders are promptly briefed and all records including survey documents, FTL maps, drone imagery and inspection reports are placed before the Court without delay.

1. LEGAL FRAMEWORK AND APPLICABLE LAWS

1.1 Key Definitions

- **Water Body:** Includes tanks, ponds, lakes, reservoirs, rivers, streams, nullahs, irrigation canals/channels, drains and other water conservations structures, foreshore areas including tank bunds, reservoir bunds, canal/channel bunds and any area notified as a water body under applicable law.
- **Full Tank Level (FTL)/Full Reservoir Level (FRL):** The maximum designed storage level of a tank or reservoir, as certified by the Water Resources Department up to which water is stored in the tank/reservoir and its correspondence to the crest of surplus weir (ungated) as certified by the Water Resources Department.
- **Maximum Water Level (MWL):** The maximum level of water allowed in a tank as certified by Water Resources Department. The difference between MWL and FTL is the surplus or spillage or head over the crest of the surplus weir (ungated) for disposing Maximum designed flood discharge.
- **Tank Bund Level (TBL):** Designed maximum elevation of top of tank bund/Bund of Reservoir, as certified by the Water Resources Department.
- **Free Board:** Free Board is vertical distance between Maximum Water Level (MWL) and the Top level of bund (TBL). Free Board is provided to protect the bund from overtopping by severe wave action.

- **Foreshore Area:** The land area surrounding and adjacent to a tank or reservoir, extending upto the Full Tank Level (FTL) boundary as demarcated in official survey records and certified by the Water Resources Department.
- **Unauthorized Encroachment/Occupation:** Any occupation, construction, dumping, cultivation or use of land, unauthorized excavation of sand/soil/spoil within the boundaries of a water body or of its foreshore area without lawful authorization.
- **Competent Authority:** The District Collector/Revenue Divisional Officer/Tahsildar or any officer notified/delegated powers under the relevant Act for the purpose of encroachment removal.
- **Buffer Zone:** The strip of land measured from the FTL boundary of a Tank or reservoir outward (not less than 30 meters or as specified in the project report or applicable Government Orders).
- **High Flood Level (HFL):** The maximum flood level observed or designed for a river reach as recorded by the Water Resources Department used as the reference boundary for river course encroachment determination.

No Regulation of Encroachments: No encroachment on any water body covered under this SOP shall be regularized under any scheme, Government Order, or any Policy. This SOP operates as an absolute bar against regularization of any encroachment within the FTL boundary, foreshore area, buffer zone, river course or canal bank of any water body governed hereunder.

1.2 Primary Legislation

Act/Rule	Key Provisions Relevant to Encroachment Removal	Remarks
AP Water, Land and Trees Act, 2002 (APWALTA)	Protection of water bodies from encroachment; prohibition of diversion of water bodies. Empowers Competent Authority to remove encroachments.	Primary Legislation governing this SoP.
Andhra Pradesh Irrigation Utilization and Command Area Development Act, 1984	Protection of irrigation systems and authorize Competent Authority to penalize and take action.	
AP Land Encroachment Act, 1905	Encroachment on government land (including water body beds, foreshore, tank bunds) is an offence. Eviction powers vested in Revenue Officers. Recovery of occupation charges.	
AP Panchayati Raj Act, 1994	Vests management of village tanks and water bodies with Gram Panchayats	

	subject to State oversight. Panchayats empowered to prevent encroachment	
AP Municipal Corporations Act and AP Municipalities Act	Urban Local Bodies empowered to protect water bodies within municipal limits; encroachment removal authority vested with Commissioner.	
MMDR Act/AP Minor Mineral Concession Rules, 1966	Unauthorized sand and soil excavation from water bodies, licensing of sand mining.	
Environment Protection Act, 1986	Dumping and industrial encroachments on water bodies; pollution offences	
Bharatiya Nyaya Sanhitha, 2023	Criminal trespass on Government water body land; FIR provision	

2. SCOPE AND APPLICABILITY

This SoP shall apply to all unauthorized encroachments on the following categories of water bodies in the State of Andhra Pradesh:

Sl. No.	Type of water Body	Governing Authority	Relevant Law
1.	Government Tanks/Ponds (Village, Zilla Parishad, Minor Irrigation)	Water Resources Dept/ Revenue Dept/Panchayati Raj	APWALTA 2002, AP Land Encroachment Act, 1905, AP Panchayati Raj Act, 1994
2.	Major/Medium Irrigation Systems	Water Resources Dept	AP Irrigation Act, APWALTA 2002
3.	Foreshore/Buffer Zone of Tanks & Reservoirs	Water Resources Dept/ Revenue Dept	AP Irrigation Act, APWALTA 2002
4.	Rivers, Streams and Flood Plains	Water Resources Dept/Revenue Dept/ Panchayati Raj	APWALTA 2002, AP Land Encroachment Act, 1905,
5.	Irrigation Drains and Drainage Channels	Water Resources Department/Revenue Department	AP Irrigation Act, APWALTA 2022
6.	Urban Water Bodies (Lakes, Tanks within ULBs)	Municipal Corporations/MAUD	AP Municipalities Act, AP Water Bodies Conservation Acts

7.	Tanks and Water Bodies vested with Zilla Parishads	Zilla Parishad, Water Resources Department/Revenue Department	AP Panchayati Raj Act, AP Land Encroachment Act, 1905, APWALTA, 2002
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3. INSPECTION OF WATER BODIES

3.1 Obligation of Inspecting Officers

It shall be the mandatory duty of all officers of the Water Resources Department, Revenue Department and Panchayati Raj Department to conduct regular inspections of water bodies within their jurisdiction to identify unauthorized encroachments and bring them to the notice of the Competent Authority for removal under the relevant provisions of the APWALTA 2002, AP Land Encroachment Act, 1905 and other applicable laws.

All inspection notes, along with visual and documentary evidence (including photographs, sketch maps and drone imagery), shall be recorded and communicated to Competent Authority to review and take action.

Failure to conduct mandatory inspections within the prescribed frequency without valid recorded reason shall be treated as dereliction of duty and shall be reported to the next higher authority for appropriate action.

3.2 Prevention

It shall be the mandatory of the Officers of AP Transco not to give any Electrical connections for the dwelling houses/commercial establishments of any type constructed on unauthorizedly occupied Water bodies. And also the Municipal Authorities/Panchayath authorities shall thoroughly check the ownership of the land before making assessment of property tax.

3.3 Frequency of Meeting/Inspection

A. At Chief Engineer Level/Superintending Engineer Level¹¹

S.No.	Office/Designation	Frequency of Inspection
1.	Chief Engineer (Minor Irrigation)	At least once in three months
2.	Superintending Engineer (Circle level)	At least once in a month.

B. At District/Division Level¹²

Sl. No.	Office/Designation	Frequency of Inspection	Committee Members
1.	District Collector	Once in three months as per	i. District Collector-Chairman ii. Joint Collector-Member

¹¹ AP Water, Land and Trees Act, 2002

¹² G.O.Ms.No.188, PR&RD Dept., Dt. 21.11.2011

		G.O.Ms.No.188, PR & RD Dept., Dt.21.11.2011	iii. Superintendent of Police-Member iv. S.E/PR-Member v. SE(R&B)-Member vi. SE(WRD)-Member vii. AD/Survey and Land Records-Member viii. AD (Mines)-Member ix. District Panchayat Officer-Member Convener
2.	Revenue Divisional Officer (RDO)	At least once in two months	i. RDO/Sub Collector-Chairman. ii. EE/PR-Member iii. EE/R&B-Member iv. EE/WRD-Member v. Town Planning Officer-Member vi. Municipal Commissioner-Member vii. Divisional Panchayath Officer-Member Convener
3.	Mandal Level	At least once in a month	i. Tahsildar-Chairman ii. DEE/PR-Member iii. DEE/R&B-Member iv. DEE/WRD-Member v. Town Planning Officer vi. Mandal Surveyor-Member vii. MPDO-Member

Minutes of the Meeting shall be documented, and necessary action is to be taken for evacuation of the encroachments duly following procedure as per law.

Inspections shall be documented in the prescribed Inspection Register and digitally uploaded.

3.4 Drone Survey and Aerial/Satellite Imaging

All field officers of the Water Resources and Revenue Departments shall ensure drone survey and satellite-based monitoring of water bodies under their jurisdiction. The frequency shall be as follows:

Category of Water Body	Frequency of Drone/Satellite Survey
Major/Medium Reservoirs	Once every six months
Large Tanks (> 100 acres ayacut) including inlets/feeder channels/outlets	Once every three months
Minor Tanks (> 100 acres ayacut) including inlets/feeder channels/outlets	Once every six months; quarterly where encroachment is reported

River Courses/Streams/Flood Plains in Urban Areas	Monthly
River Courses in Rural Areas	Once every six months
Irrigation Canals in Urban/Semi-Urban Areas	Quarterly

Note - The cost of drone surveys shall be borne by the **respective department** as part of the annual maintenance budget. Processed imagery and change detection reports shall be uploaded to the designated State portal within 15 days of survey completion.

4. IDENTIFICATION AND REPORTING OF UNAUTHORIZED ENCROACHMENTS

4.1 Sources of Identification

Unauthorized encroachments will be identified through:

1. Periodical field inspections by authorized officers (as per Section 3 above).
2. Complaints received from the general public through:
 - (a) AP PGRS (Public Grievance Redressal System) portal
 - (b) Written Petitions to District Collector/Tahsildar/WRD officials.
3. Drone survey/satellite imagery analysis indicating change in water body boundaries.
4. Survey of land records showing occupation of poramboke / government water body land in Revenue/Survey department records.
5. Reports by Gram Panchayat Secretary/Ward Secretariat staff during village surveys.

4.2 Issuance of Preliminary Notice¹³

Upon identification of unauthorized encroachment, the concerned field officer (Executive Engineer/Deputy Executive Engineer/Assistant Executive Engineer in the Irrigation Department) shall intimate about the same to the Tahsildar in the Revenue Department; Executive Officer in the Panchayat, or equivalent officer shall issue a Preliminary Notice in the prescribed form to the encroacher within 7 (seven) working days of identification.

The Preliminary Notice shall:

- Identify the survey number, FTL boundary, bund, or bank boundary (with reference to official maps) and the location and extent of encroachment.
- Call upon the encroacher to remove the unauthorized occupation within 15 (fifteen) days from service of notice.
- Warn the encroacher of the penal and eviction

¹³ AP Land Encroachment Act, 1905

consequences under APWALTA 2002, AP Land Encroachment Act 1905 and other applicable laws.

- Be accompanied by photographic evidence, sketch map and drone imagery if available.

The Preliminary Notice shall be served: (a) By personal delivery to the encroacher or adult member of the encroacher's family; (b) where personal services is not possible, by registered post with acknowledgement due to the encroachers last known address; (c) where the encroacher is unidentifiable or absconding, by affixation on the encroached structure in the presence of two witnesses and by publication in a local newspaper. The mode of service and date of serve shall be recorded in the file.

In cases of large-scale or complex encroachments involving major structures, the field officer may, with the approval of the District Collector, extend the period specified in the Preliminary Notice to not more than 30 days, recording reasons in writing

A copy of the Preliminary Notice shall also be sent to:

- The RDO of concerned Revenue Division
- The District Collector (for information)
- The Superintendent of Police/Sub-Inspector of Police of the area (for maintaining law and order if required).
- The concerned Gram Panchayat (for village tanks).

The issuing officer shall thereafter make all efforts to facilitate voluntary removal of the encroachment through engagement with the local panchayat, community leaders, village elders and local administration.

The provisions of this SoP apply equally to encroachments by Government departments, Government-aided institutions, local bodies, and private parties. No encroachment shall be exempt from removal on the ground that it was constructed by or with the knowledge of any Government authority.

4.3 Preparation of Encroachment File

Encroachment File¹⁴

- The field officer shall prepare Encroachment File recording all details of
- The Preliminary Notice issued and date of service.
- Responses (or lack thereof) received from the encroacher.
- Outcome of voluntary removal efforts.

The Encroachment File shall also include survey number and extent of encroachment; FTL/HFL map reference, photographs, and drone imagery, copy of preliminary notice and proof of service, encroacher's response if any; and revenue records showing land classification as water body/Poramboku.

¹⁴ AP Land Encroachment Act, 1905
AP Water, Land and Trees Act, 2002

This Encroachment File shall form part of the file when invoking the jurisdiction of the District Collector/Competent Authority under APWALTA 2002 & AP Land Encroachment Act, 1905.

5. INVOKING THE JURISDICTION OF THE COMPETENT AUTHORITY

5.1 Escalation to Competent Authority

If the encroacher fails to remove the unauthorized occupation within the period specified in the Preliminary Notice, the field officer shall refer the matter to the Competent Authority as follows:

Type of Encroachment	Referral Authority (Competent Authority)	Applicable Law
Encroachment on Village Tank/Poramboke Water Body Land including inlets/feeder channels and outlets	Tahsildar --> RDO --> District Collector	AP Land Encroachment Act 1905; APWALTA 2002
Encroachment on Minor Irrigation Tank/Major/Medium Reservoir/Foreshore including inlets/feeder channels and outlets.	Executive Engine --> RDO --> District Collector	APWALTA 2002
Encroachment on Canal/Stream/Drain Bed or Foreshore	Executive Engineer (irrigation/WRD) --> District Collector	AP Irrigation Act; APWALTA 2002
Encroachment on Riverbed/Flood Plain (Rural)	MRO/RDO --> District Collector	AP Land Encroachment Act, 1905; APWALTA 2002
Encroachment on Urban Lake/Water Body within ULB Limits	Commissioner, Municipal Corporation/Municipality--> District Collector	AP Municipalities Act; APWALTA 2002
Encroachment on Major inter-District Irrigation Systems (HNSS, SRBC, TGP etc)	EE (WRD) --> SE (WRD) --> CE (WRD) --> District Collector of concerned District.	AP Irrigation Act; APWALTA 2002

5.2 Statutory Notice by Competent Authority

The District Collector/Competent Authority, upon receipt of the referral, shall issue a Statutory Notice under the relevant provisions of APWALTA 2002/AP Land Encroachment Act 1905 to the encroacher-

granting within 7 (seven) days of receipt of the referral, granting a period of not less than 15 days for the encroacher to show cause and appear for hearing, after which the Competent Authority shall pass a reasoned order within 15 days of the hearing duly following the principles of natural justice i.e, issuing notices and providing opportunity of hearing to the encroacher.

The Statutory Notice shall also provide for a hearing of the encroacher's representation. The representation, if made, shall be heard within a specified date with proper notice thereof. The Competent Authority shall pass a reasoned order after hearing.

Any person aggrieved by the order of the Competent Authority may prefer an appeal to the next higher authority as specified under the relevant Act within the period prescribed therein. The pendency of an appeal shall not automatically stay the removal order unless a stay is specifically granted by the appellate or judicial authority.

6. REMOVAL OF UNAUTHORIZED ENCROACHMENTS AND IMPOSITION OF PENALTIES

6.1 Removal Procedure

1. The Competent Authority shall issue a written removal order with date of compliance.
2. If the encroacher does not comply, the authorized officer shall arrange for physical removal using department labour equipment.
3. Police assistance shall be requisitioned from the local Superintendent of Police/DSP/SHO in cases where resistance is anticipated or law and order issues.
4. The removal shall be carried out in the presence of a Gazetted Officer with proper Panchanama (witness statement) prepared.
5. Photographs and video recordings shall be made before, during and after removal.
6. Any structure/material removed shall be listed and, if unclaimed within 30 days, disposed of as per government procedure.

The Panchanama shall be prepared in the presence of not less than two independent witnesses, at least one of whom shall be a Government servant not below the rank of Village. Revenue Officer and shall be signed by the Gazetted Officer conducting the removal, the witnesses, and if possible, the encroacher.

Unclaimed materials (after 30 days) shall be disposed of by public auction conducted by the Revenue Department, with sale proceeds credited to Government account after deducting removal and storage costs.

6.2 Penalties and Recovery of Removal Costs

The following penalties and cost recovery mechanisms shall be invoked:

Applicable Law	Penalty/Recovery Provision
AP Land Encroachment Act, 1905-Section 7	Occupation Charges (at prescribed rates) recoverable as arrears of land revenue from the encroacher.
APWALTA 2002	Cost of removal of encroachment and restoration of the water body to be recovered from the encroacher.
AP Irrigation Act-relevant provisions	Unauthorized use of canal foreshore/buffer zone attracts fine and recovery of costs as per the Act
Criminal Trespass (IPC/BNSS)	Where the encroachment amounts to criminal trespass on government water body land, FIR may be lodged under applicable provisions of BNS/IPC.

A Bill for Recovery of Cost of Removal shall be issued in the form to the encroacher within 15 (fifteen) days of completion of removal. The bill shall include:

- Cost of physical removal (labour, machinery, transportation).
- Cost of repair/restoration of damaged bund, canal bank or foreshore area.
- Additional charge at 15% of cost of restoration (as administrative overhead).
- Occupation charges/fine as applicable under the relevant law.

If recovery is not made within 30 days of the bill, the amount shall be recovered as arrears of land revenue under the AP Revenue Recovery Act.

In cases where the encroacher is a company or corporate entity, recovery may also be pursued under the provisions of the Companies Act against the assets of the company. In cases where the encroacher has no recoverable assets in the State, the matter shall be referred to the Government Pleader for appropriate legal proceedings.

7. SPECIAL PROVISIONS FOR DIFFERENT CATEGORIES OF WATER BODIES

7.1 Village Tanks (Minor Irrigation Tanks)¹⁵

- FTL boundaries and foreshore area maps including that of inlets/outlets shall be obtained from Revenue / Survey Department records before initiating encroachment removal.
- Gram Panchayat must be formally informed and involved in the removal process.
- Any cultivation within FTL area shall be specifically photographed and reported. The cultivator shall be given Preliminary Notice before removal of crops / structures.
- Restoration of the tank bed, foreshore and bund shall be ensured

¹⁵ AP Irrigation Utilisation and Command Area Development Act, 1984

after removal, including re-plantation of tree species on bunds. Where standing crops exist within the FTL area at the time of removal, the field officer shall assess and document the crop details. No compensation shall be paid for crops cultivated in an unauthorized manner within the FTL area, and this position shall be clearly stated in the Preliminary Notice.

7.2 River / Stream Courses and Flood Plains¹⁶

- River boundaries (High Flood Level / bank line) as per Survey of India / State survey maps shall be used as the reference for encroachment determination.
- Sand mining activities without license within riverbeds shall be treated as unauthorized encroachment and referred to the Mining Department in addition to Revenue / Water Resources
- Structures constructed in flood plains/notified buffer zones shall require Environment Clearance / Flood Plain Management Authority (FPMA) clearance. Absence of such clearance shall be treated as unauthorized encroachment.
- Seasonal encroachments (e.g., cultivation during dry season) shall be documented before monsoon for removal before flooding season.

For seasonal agricultural encroachments on riverbeds or tank beds during the dry season, the Tahsildar shall issue a general public notice before the start of each cultivation season (October) warning against cultivation in notified water body areas. Field officers shall conduct pre-monsoon verification (May-June) to ensure such encroachments are cleared before the onset of floods.

7.3 Major and Medium Irrigation Reservoirs (Foreshore/Buffer Zone)¹⁷

- A Buffer Zone of not less than 30 meters from FTL line (or as specified in the original project report) is to be maintained free from all encroachments.
- Demarcation stones / pillars indicating FTL boundary shall be maintained by the Irrigation Department. Missing pillars shall be restored before encroachment removal.
- Encroachments within the FTL area require mandatory removal regardless of duration of occupation. No regularization of encroachment within FTL is permissible.
- Fishery leases within reservoirs do not entitle the lessee to any construction or occupation of the foreshore area.

Missing FTL pillars shall be restored by the concerned Executive Engineer (WRD) in coordination with the Survey and Settlement Department within 30 days of identification. The cost of pillar restoration shall be borne from the WRD maintenance budget.

¹⁶ AP Land Encroachment Act, 1905, AP Water, Land and Trees Act, 2002

¹⁷ AP Irrigation Utilisation and Command Area Development Act, 1984, AP Water, Land and Trees Act, 2002

7.4 Urban Water Bodies (Within ULB Limits)¹⁸

- ULBs shall prepare and maintain a register of all water bodies (with buffer zones as mentioned in The Andhra Pradesh Land Development (Layout and Sub-division) Rules, 2017) (lakes, cheruvu, kunta, nala) within their limits with survey numbers, FTL boundary and current encroachment status.
- High-Resolution satellite imagery shall be used to monitor encroachment on an annual basis.
- Regularization of any structure within the notified Full Tank Level boundary of an urban water body is not permissible.

8. MONITORING OF ENCROACHMENT REMOVAL

S. No.	Level of Review	Frequency	Remarks
i.	Mandal/Project Level	Every one month	Track all pending encroachments, actions taken and removal status. Report to Superintending Engineer/Collector.
ii.	Divisional Level/I S.E/RDO in-charge)	Every two months	Review unresolved cases; bring critical cases to notice of Chief Engineer/Collector.
iii.	District Level	Quarterly	Review all pending cases; take up with local police/panchayat/ULB for resolution. State-level reporting.
iv.	State Level (Principal Secretary, WRD, Principal Secretary, PR, Principal Secretary, MAUD)	Half-yearly (Bi-annual)	Review of all districts.

Districts that fail to submit quarterly encroachment status reports to the State-level review shall have this fact recorded and reported to the Principal Secretary, WRD. Persistent non-reporting shall be taken up as a performance issue with the concerned District Collector.

8.2 Drone Analytics and Satellite Monitoring

A dedicated Drone Analytics Management System shall be maintained in the AP Water Resources MIS/designated State portal. All field officers shall ensure monthly updating of encroachment status in the system. Satellite-based change detection maps shall be generated every quarter to identify new encroachments.

8.3 Time-Bound Action Plan for Removal of Existing Encroachments

This SoP addresses not only future encroachments but also requires time-bound action on encroachments already identified or known. The

¹⁸ Andhra Pradesh Land Development (Layout and Sub-Division) Rules, 2017

following schedule shall apply:

1. Within 30 days of issuance of this SoP, all field officers shall submit a complete list of known encroachments within their jurisdiction to the District Collector.
2. District Collectors shall prepare a priority-wise removal schedule within 60 days of receipt of the above lists
3. Not less than 50% of identified encroachments shall be removed within one year of issuance of this SoP
4. State-level progress shall be reviewed by the Principal Secretary, WRD every six months and reported to Government.

8.4 Protection of Informants

The identity of individuals reporting encroachments to Government authorities shall be kept strictly confidential. No field officer shall disclose the identity of an informant to any person, including the encroacher, without the express written permission of the District Collector. Violation of this provision shall be treated as misconduct.

8.5 Encroachment Register

Every Tahsildar and Executive Engineer (WRD/MI) shall maintain a mandal-wise/division-wise Encroachment Register in the prescribed format recording: survey number, water body name and type, nature and extent of encroachment, name of encroacher (if known); date of identification, notice issued, and date, status of removal, and amount of cost recovered. The Register shall be updated monthly and produced at every review meeting.

8.6 Resolution of FTL Boundary Disputes Between WRD And Revenue Records

Where a dispute arises between WRD records and Revenue/Survey records on the FTL boundary or foreshore extent of a water body, the matter shall be referred to a Joint Committee comprising the Superintending Engineer (WRD), the Revenue Divisional Officer, and the Assistant Director (Survey and Settlement) for determination within 30 days. Removal proceedings shall be kept in abeyance only in respect of the disputed boundary portion pending such determination.

8.7 Prevention of Re-Encroachment After Removal

After removal of any encroachment, the concerned field officer shall ensure. (a) erection of boundary markers (b) plantation of trees or laying of protective fencing on bunds where feasible; (c) entry of restored status in land records; and (d) increased inspection frequency for the concerned site for a period of one year following removal, to prevent re-encroachment.

9. ILLEGAL EXCAVATION FROM WATER BODIES¹⁹

This section governs the regulation, monitoring, and enforcement of actions against illegal and unauthorized excavation of sand and other

¹⁹ Andhra Pradesh Minor Mineral Concession Rules, 1966

minor minerals from water bodies, riverbeds, streams, tanks, and other natural sources in the State of Andhra Pradesh. The District Level Sand Committee (DLSC) is the primary authority at the district level responsible for overseeing all sand operations, ensuring compliance, and taking action against illegal extraction. The provisions herein are drawn from Rule 9-B (sub-section 9 to 17) of the Andhra Pradesh Minor Mineral Concession Rules, 1966, as amended, and are to be read in conjunction with the Mines and Minerals (Development and Regulation) Act, 1957²⁰.

9.1 Constitution of District Level Sand Committee (DLSC):

District Level Sand Committee (DLSC) shall consist of the following officers:

- i. District Collector: Chairman
- ii. Superintendent of Police: Member
- iii. Joint Collector: Member
- iv. Sub-Collector/RDO Concerned – Member
- v. District Mines & Geology Officer concerned: Member-Convener
- vi. Divisional Mines & Geology Officer concerned: Member
- vii. District Panchayat Officer: Member
- viii. Regional Transport Officer: Member
- ix. Dy. Director, Ground Water Dept.: Member
- x. Executive Engineer, Irrigation/River Conservation: Member.
- xi. Executive Engineer, Rural Water Supply: Member
- xii. Environmental Engineer, Andhra Pradesh State Pollution Control Board: Member
- xiii. Any other invitees as suggested by the Chairman

9.2 Monitoring of SAND Operations

- a. At State level, a Command & Control Centre shall be established by Director of Mines and Geology to oversee all sand excavation, transportation activities and timely redressal of the grievances received from consumers.
- b. At District level, Facilitation Centers shall be established by DLSC to monitor sand supplies on real-time basis and improve co-ordination between consumers, transporters & other stakeholders.
- c. District Collector shall designate a Joint Collector as a Special Officer for monitoring all sand activities in the respective districts.
- d. DLSC shall ensure to:
 - i. Establish CCTV Cameras at sand reaches & sand supply points.
 - ii. All sand transporting vehicles shall be covered with tarpaulin, banner mentioning "Uchitha Isuka Ravana Vahanam" and shall be fitted with an active GPS devices/GPS enabled application.

²⁰ G.O.Ms.No.100 Industries & Commerce (Mines-III) dated 26th June 2025

- iii. Weighbridges shall be installed at all active reaches, check-posts, stockyards and exit points riverbank areas.
- e. Protection of river channels and access points, and strict enforcement against night mining and mechanized mining, are addressed under sections 3.4 and 9.4.

9.3 Prohibited Activities

The following activities are prohibited:

- i. Stocking of sand more than the requirement for own construction
- ii. Re-sale of sand
- iii. Transportation of sand to other States.
- iv. Sand using for filling purpose or any other purpose, other than building construction.
- v. Any other prohibited activity as prescribed under environmental guidelines issued by MOEFCC, Orders of Hon'ble NGT, Hon'ble High Court and Hon'ble Supreme Court/Government/ DLSC.

9.4 Vigilance and Task Forces²¹

- a. State Level and District Level Task force has been constituted G.O.Ms. No. 69, Industries and Commerce Department, dated 08.03.2006.
- b. The review mechanism has been implemented through monthly meetings of the District Level Task Force and quarterly meetings of the State Level Task Force to ensure effective monitoring and to curb illegal mining and transportation in the State.
- c. District Level Task Forces (DLTF) shall be constituted by the District Collectors with line departments for periodic inspections of all the supply points and the sand sources to ensure smooth functioning of sand operations and to curb illegal mining/ transportation.
- d. The Chairman of DLSC shall conduct a fortnightly co-ordination meeting with the task forces on the action taken and minutes of meeting shall be communicated to Director.
- e. DLSC shall ensure to:
 - i. Establish CCTV Cameras at sand supply points.
 - ii. Weighbridges shall be installed at all active reaches, check-posts, stockyards and exit points of riverbank areas.
 - iii. Co-ordinate with Police Command & Control to monitor the transportation of sand through the CCTV monitoring system.
 - iv. Establish sufficient check posts and CCTV Cameras in co-ordination with Police on routes to prevent inter-state transport of sand.
 - v. Any vehicle transporting sand without registration, tarpaulin cover and GPS shall be blacklisted in co-

²¹ G.o.Ms.No.69, Industries and Commerce Department dt.08.03.2006

ordination with Transport Department.

- vi. Any vehicles shall operate strictly on the approved routes and within the authorized time window
- vii. Any vehicle transporting sand without valid e-transit permit shall be blacklisted in co-ordination with Transport Department and vehicle to be seized.
- viii. Any vehicle used for black marketing of sand to be blacklisted, seized and criminal case to be filed against vehicle driver/owner.
- ix. Initiate levy of penalty against violators of free sand policy.
- f. Director/DLSC shall establish and maintain call center and online application for the public to report illegal sand excavation and transportation.

9.5 Compliant Redressal Mechanism

- a. Any person/NGO/party may file a complaint regarding illegal sand mining/transportation/hoarding/black marketing activities to the DLSC with material evidence either through online or otherwise.
- b. DLSC shall setup a complaint redressal mechanism including set up of compliant redressal committee, enquiry team, maintenance of district level toll free numbers, e-mail ids to redress the complaints made by any citizen/ NGO in an effective and time-bound manner.
- c. Similarly, a state-wide toll-free number and email-id shall be established and maintained by Director. These complaints shall be referred to DLSC for their effective and time bound redressal.
- d. DLSC shall conduct an enquiry, take the decision on each complaint, and pass speaking orders within reasonable time.
- e. Timelines

S.No.	Description	Timeline
1.	Filing of Complaint (T0)	
2.	Preliminary scrutiny and assignment to Complaint Redressal Committee; deployment of enquiry team for fact-finding and report preparation (T1)	T0 + 2 Weeks
3.	Issue of notice by DLSC seeking explanation from concerned parties based on enquiry findings (T2)	T1 + 1 Weeks
4.	Receipt of explanation of evaluation by DLSC; hearing, if required (T3)	T2 + 2 Weeks
5.	Decision by DLSC and passing of order for Imposition of penalties/enforcement action (T4)	T3 + 1 Weeks

9.6 Constitution of State Level Committee (SLC):

- a. The SLC shall consist of following officers:

- i. Chief Secretary: *Chairman*
 - ii. Director General of Police: *Member*
 - iii. Secretary, Mines (Ind & Com) Dept: *Member*
 - iv. Secretary, Revenue Dept: *Member*
 - v. Secretary, PR & RD Dept: *Member*
 - vi. Secretary, Water Resources Dept: *Member*
 - vii. Commissioner, Rural Development: *Member*
 - viii. Commissioner Transport Department: *Member*
 - ix. Member Secretary, APPCB: *Member*
 - x. Director, Ground Water Dept: *Member*
 - xi. Engineer -In-Chief, Irrigation: *Member*
 - xii. Commissioner & Director of Mines & Geology: *Member Secretary*
 - xiii. And any other invitees as suggested by the Chairman
- b. The SLC shall meet periodically to take up review the performance of sand extraction in the state, examine the matters referred to DLSC for review of any statutory provisions and issue necessary guidelines for proper implementation of the Rules.

9.7 Compliances²²

DLSC shall ensure all the operations shall be in compliance with Sand Policy of Andhra Pradesh, Mines Act 1952, MMDR Act 1957, WALTA Act & Rules, MOEF&CC notifications, Office Memorandums & Guidelines and any other applicable law, rules, Government orders, Instructions issued by Government and Department of Mines & Geology from time to time.

9.8 Offences and Penalties

- a. Vehicles engaged in illegal/un-authorized excavation in the prohibited areas (i.e. within 500 meters from the Ground water structures, Bridges, Dams, Railway lines and cross drainage structures etc.), transportation of sand outside the State and found transporting sand without valid permit shall be penalized as follows:

Vehicle Type	First Time (In Rs.)	Second Time (In Rs.)
Tractor	Upto 10,000/-	Rs.10,001 to 20,000/-
Lorry fitted with upto 10 Tires capacity	Upto 25,000/-	Rs.25,001 to 50,000/-
Lorry fitted with above 10 tires	Upto 50,000/-	Rs.50,001 to 1,00,000/-
Machinery	Upto 50,000/-	Rs.50,001 to 1,00,000/-

- b. Any vehicle transporting sand, if found, carrying sand in excess of the quantity specified in Sand transit form /invoice or in excess of quantity permitted by the Transport Dept., penalty shall be levied

²² Andhra Pradesh, Mines Act, 1952, MMDR Act 1957, WALTA Act & Rules

- on such excess quantity @ Rs.2000/- per MT
- c. Whenever any person/ selected agency by the DLSC extract sand more than the permitted quantity or has extracted sand in the areas other than those notified for lawful excavation, the officers authorized shall assess such quantity of sand and levy and collect @ Rs.2,000/-per ton of sand or Rs. 2,00,000/- (Rupees Two Lakhs), whichever is higher, as penalty.
 - d. If any stock of sand beyond a person's reasonable requirement is stocked/hoarded/black marketed/sold, it shall be seized by the officer authorized. The person shall be punishable with imprisonment up to 2 years and a fine of Rs.2,00,000/- (Rupees Two Lakhs). DLSC shall take-over the seized sand and arrange to dispose the same, at the rates fixed by DLSC.
 - e. Officers authorized to levy, collect penalties and seizure of vehicles from the persons involved in illegal mining/stocking/hoarding/selling/ black marketing in the State authorized under these rules are as follows:
 - i. District Collector (Concerned)
 - ii. Joint Collector (Concerned)
 - iii. Superintendent of Police (Concerned)
 - iv. Additional Superintendent of Police (Concerned)
 - v. Sub-Collector/Revenue Divisional Officer (Concerned)
 - vi. Tahsildar (Concerned) Mandal.
 - vii. Sub-Divisional Police Officer (Concerned)
 - viii. Station House Officer (Concerned)
 - ix. District/Divisional Panchayat Officer
 - x. District/Divisional Mines & Geology Officer (Concerned)
 - xi. Assistant Director, Regional Vigilance Squad authorized by Director in this behalf having jurisdiction
 - xii. Any other officer nominated by Dist. Collector (Concerned) /Director of Mines & Geology
 - f. The vehicle/machinery, found involved in any violation more than two times, such vehicle/machinery along with sand shall be seized by officers authorized duly following the procedure as under:
 - i. Issue show cause notice to the person/owner from whom the vehicle/machinery is seized.
 - ii. Immediately take steps by preparing seizure report and produce the vehicle/machinery before the Competent Court to enable the person/owner from whom the vehicle/machinery is seized to file an application under Section 451 of Criminal Procedure Code (Cr. P.C) for release of vehicle/machinery.
 - iii. In the alternative, the person/owner from whom

vehicle/machinery is to be seized shall be permitted to submit explanation to the show cause notice along with an application to the authorized officer seeking release of vehicle/machinery.

- iv. Upon receipt of explanation to the show cause notice and the application for release of vehicle/machinery, the authorized officer shall consider the application and pass appropriate orders in accordance with law, within a period of two weeks there from, on production of security of Rs.25,000/- in case of tractor, Rs. 1,00,000/- in case of vehicle upto 10 tones capacity: Rs. 1,50,000/- in case of vehicle above 10 tons capacity and Rs. 2,00,000/- for any machinery, in the form of Demand Draft drawn in favor of the authorized officer along with an affidavit/undertaking to produce the seized vehicle / machinery as and when required.
- v. The fine paid as per the orders of Competent Court; the security furnished as per clause above shall be deposited in the Head of Account prescribed by the Government. The amount collected shall be utilized for the restoration works, removal of illegal ramps/roads, strengthening riverbanks, installing surveillance systems, replenishment studies, drone surveys etc.

10. ROLE AND RESPONSIBILITIES OF STAKEHOLDER DEPARTMENTS

Department/Agency	Responsibilities under this SoP
Water Resources Department (WRD)	Nodal department for this SoP. Identification of encroachment with the help of Tahsildars/Mandal Surveyors. Inspection of major/medium reservoirs and canals. Drone Survey. Liaison with Revenue for eviction orders. State-level monitoring and review.
Revenue Department (Collectors/RDOs/ MROs/ Tahsildars)	Competent Authority for eviction under AP Land Encroachment Act, 1905 and APWALTA 2002. Issuance of statutory notices, removal orders and recovery bills. Maintenance of land records.
Panchayati Raj and Rural Development Department (PR&UD)	Management of village tanks. Gram Panchayat to report encroachments. Coordination for voluntary removal.
MA&UD/Urban Local Bodies	Protection of urban water bodies. Maintenance of GIS maps of water bodies. Encroachment removal within ULB limits.

Police Department	Provide assistance during physical removal. Register FIR in cases of criminal trespass/resistance. Maintain law and order.
Survey and Settlement Department	Provide updated FTL maps, survey maps and demarcation support. Restore/re-demarcate FTL pillars.
Forest Department	Action on encroachments on water bodies within or adjacent to forest areas. Coordination with Revenue.
District Administration (District Collector)	Overall coordination and final Competent Authority for eviction orders. Quarterly district-level review. Report to State Government.
Mines & Geology Department	Identification and action on unauthorized sand/gravel or soil extraction from riverbeds, tank beds and foreshore areas; coordination with Revenue and WRD for prosecution under MMDR Act and AP Minor Mineral Concession Rules.
AP Pollution Control Board (APPCB)	Action on waste dumping, industrial activity in water bodies; prosecution under Environment Protection Act, 1986; Coordination with Revenue & WRD for encroachment cases with environmental impact.

11. REGULATION OF ACTIVITIES IN AND AROUND WATER BODIES

The following activities in and around water bodies shall be subject to regulation and if carried out without lawful authorization, shall be treated as encroachment under this SoP:

Activity	Regulatory Requirement	Authority
Construction of any structure within FTL/buffer zone of tank or reservoir	No construction activities allowed within FTL Level Prior written permission from WRD + Revenue shall be obtained for bifurcation of Tank/developing green belt	EE (Irrigation)/ District Collector
Sand/gravel mining in riverbed or tank bed	License from AP Mines & Geology Department; Environmental Clearance	District Collector/ AP Mines & Geology
Aquaculture/fishery within reservoir/tank	Fishery lease from AP Fisheries Department; no construction/occupation of foreshore	AP Fisheries Dept/ District Collector
Cultivation within FTL area of tank	Not permissible. Seasonal cultivation during dry weather subject to prior permission; removal before monsoon mandatory	MRO/Tahsildar/EE
Industrial/Commercial	Prior Environmental Clearance +	District Collector/

use of water body land	Land conversion; CRZ clearance if coastal; APWALTA clearance	APPCB/ MoEF
Dumping of waste/debris in water bodies	Strictly prohibited under APWALTA 2002 and EP Act. Treated as encroachment and environmental offence	District Collector/APPCB
Religious/cultural structures within FTL	Existing structures to be surveyed; no new structures permissible within FTL; relocation of encroaching structures to be facilitated with community sensitization. Legal basis: APWALTA 2002/AP Land Encroachment Act 1905. District Collector shall convene community meeting with religious leaders and local elected representatives before issuing removal order, to facilitate voluntary relocation. Where voluntary relocation is not possible within the notice period, removal shall proceed as per law.	District Collector/ RDO
Unauthorized borewells/ground water extraction structures within FTL area	Prohibited without ERD permission treated as encroachment under APWALTA, 2002 referral to Ground Water Department for action under AP Water, Land and Trees Act.	EE (Irrigation)/ District Collection/ Ground Water Department.

Emphasis supplied

48. A plain reading of the SOP, clearly reveals that the Principal Chief Secretary for the State of Andhra Pradesh by taking aid of relevant provisions and statutory realm from different legislations, articulated and encompassed the SOP so as to protect the main components of “*Doctrine of Public Trust*” such as land, soil, major and minor minerals, tress etc.

49. In the light of above overall facts and circumstances and the reasons stated above, instant Writ Petition is disposed of with the following terms:

- (i) The impugned proceedings vide Rc.No.2292/2015/G3/Dt.08.04.2022 and Rc.No.2292/2015/G3/Dt.15.04.2022 issued by the 3rd Respondent/District Collector, Vizianagaram are hereby declared as arbitrary, illegal and contrary to the statutory provisions envisaged in Mines and Mineral (Development and Regulation) Act, 1957 and Andhra Pradesh Minor Mineral Concession Rules, 1966 and also transgression of the “*Doctrine of Public Trust*” and consequently, the same are hereby set aside;
- (ii) Respondent No.1 (State of Andhra Pradesh) and its instrumentalities are hereby directed to strictly adhere to the Standard Operating Procedure (SOP) vide Circular Memo.No.ICD01-COOR0MISC/60/2026-Reforms, dated 08.05.2026 in its true letter and spirit without any retractions.
- (iii) The Chief Secretary to the Government of Andhra Pradesh is hereby directed to conduct a Review meeting, at least once every year to assess and ensure the effective implementation of the above Standard Operating Procedure (SOP).

There shall be no order as to costs.

Interlocutory applications, if any, pending shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 15.07.2026

PSA

Whether the Order is:

Speaking	✓	Reasoned	✓
Reportable	✓	Non-reportable	

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 12895 of 2022

Date: 15.07.2026

Note: LR Copy to be marked
B/o.
PSA