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APHC010329002026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3329]
(Special Original Jurisdiction)

WEDNESDAY, THE 1st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 17324/2026

Between:

1. DERA VENKATESWARA RAO, , S/O. SATYANARAYANA, AGED ABOUT 39 YEARS, OWNER OF BOAT, R/O. 3-27, DEVI CENTRE, NEAR GTPS POWER STATION, SEETHAMPETA, KOVVUR, EAST GODAVARI DISTRICT -534350.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPARTMENT, SECRETARIAT BUILDINGS VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT-522237.
2. THE TAHSILDAR, , RAJAHMUNDRY RURAL MANDAL, EAST GODAVARI DISTRICT-533124.
3. THE STATION HOUSE OFFICER, DOWALESWARAMUPS, EAST GODAVARI DISTRICT-533125.
4. THE IRRIGATION CONSERVANCY ASSISTANT, AGLB SECTION, IRRIGATION DEPARTMENT, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT-533101.
5. THE DISTRICT MINES AND GEOLOGY OFFICER, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT-533101.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased tomay be pleased to issue an appropriate order or direction more particularly one in the nature pf Writ of Mandamus declaring the action of the Respondent Nos.3 to 5 in seizing the Boat of the Petitioner in connection with FIR No. 107 of 2026 without following the procedure known to the law under APMMC Rules, 1966 as illegal, irregular, arbitrary and contrary to the procedure established by law and against to the principles of natural justice and violative of fundamental rights guaranteed under Articles 14, 21 and 19(1)(g) of the Constitution of India and consequently direct the respondents to release the above said named Boat of the Petitioner forthwith in the interest of justice and pass such

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the respondents to release the Boat of the Petitioner pending disposal of the above writ petition in the interest of justice and pass such

Counsel for the Petitioner:

1. B JAYA PRABHAKARA RAO

Counsel for the Respondent(S):

1. GP FOR HOME
2. GP FOR REVENUE
3. GP FOR IRRI AND CAD
4. GP FOR MINES AND GEOLOGY

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 17324/2026

ORDER:-

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

> ***"****to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.3 to 5 in seizing the Boat of the Petitioner in connection with FIR No. 107 of 2026 without following the procedure known to the law under APMMC Rules, 1966 as illegal, irregular, arbitrary and contrary to the procedure established by law and against to the principles of natural justice and violative of fundamental rights guaranteed under Articles 14, 21 and 19(1)(g) of the Constitution of India and consequently direct the respondents to release the above said named Boat of the Petitioner forthwith in the interest of justice and pass such other order or orders…."*

2. Heard learned counsel for the petitioner and learned Assistant Government pleader for the respondents.

3. Learned counsel for the petitioner submits that when the petitioner's subject boat was idle at Gangamma Revu, Dowlaiswaram, the respondents have seized the boat on the pretext that the petitioner has been excavating the sand unauthorizedly.

4. Learned counsel for the petitioner relied on the decision of the Hon'ble Apex Court in the case of ***Sunderbhai Ambalal Desai Vs state of Gujarat[1],*** wherein, it is held that pending investigation, the vehicle should not be subjected to adverse weather conditions which would damage the boat and its

[1] AIR 2003 SC 638

functionality, thus prays for release of the boat. He further relies on G.O.Ms.No.100, dated 26.06.2025.

5. Learned Assistant Government Pleader for the respondents submits that indiscriminate dredging by using the dredging boats cause threat to the lives of the people apart from causing a disturbance to the water flow. The use of mechanical dredging boats for such operations has been explicitly prohibited. It is further contended that the action of the petitioner, who was found to be excavating sand using mechanical dredging boat, constitute a flagrant violation of the environmental regulations in the said regard. And the same are contended to be in violation of the orders passed by this Court in W.P.(PIL) No.8 of 2024, thus prayed to dismiss the Writ Petition.

6. Having regard to the submissions made by the learned counsel for the petitioner and learned Assistant Government Pleader for the respondents, it is observed that the petitioner would be deprived of earnings from the subject boat, which is his livelihood. If the boat is retained indefinitely, the same would be damaged.

7. Therefore, this Court deems it appropriate to dispose of the Writ petition with the following directions:

> a. The respondent authorities shall release the subject boat upon the petitioner, depositing a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) in favour of the 5th respondent, pending proceedings that

may have already been initiated or that are contemplated against the petitioner, on the subject issue.

b. The said deposit will be subject to the outcome of the proceedings that may have already been initiated or that are contemplated against the petitioner, on the subject issue.

c. The petitioner shall also furnish an undertaking to the 5th respondent that he will not engage himself in any of the unauthorized dredging activity, pending further investigation on the issue.

8. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

VENKATESWARLU NIMMAGADDA, J

Date:01.07.2026
BSP/TPS

Whether the order is :
Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 17324/2026

Date:01.07.2026
BSP/TPS