

THE HON'BLE SRI JUSTICE SANJAY KUMAR
WRIT PETITION No.40616 of 2015

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions to declare the action of the respondents in not issuing Dispatch Permits to the petitioner for removal of the Silica sand excavated by it covered by the order of the National Green Tribunal, Southern Zone, dated 07.09.2015, as illegal, arbitrary, unconstitutional and to issue consequential direction to the 2nd respondent to issue Dispatch Permits to the petitioner for the quantity of the Silica sand already extracted as covered by the order dated 07.09.2015 passed by the National Green Tribunal, Southern Zone, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. In terms of the order dated 07.09.2015 passed by the National Green Tribunal, Southern Zone, in Application Nos.96 and 144 of 2015, the petitioner herein is entitled to remove silica sand already mined to the extent of 12,928 cubic metres from the leased area in Ballavolu Village.

3. The learned Assistant Government Pleader for Mines and Geology, relying on the written instructions furnished by the Assistant Director of Mines and Geology, Nellore, informed this Court that as per the inspection done by the mining authorities in February, 2015, the quantity of mineral available with the petitioner at that point of time was 7,085.59 cubic metres, which is equivalent to 17713.975 metric tons. Out of this mineral, the petitioner was permitted to transport 13,726 metric tons by grant of dispatch permits.

4. According to the learned Assistant Government Pleader, the petitioner is yet to remove 20,594 metric tons of mineral in terms of the order dated 07.09.2015 passed by the National Green Tribunal, Southern Zone.

5. As the learned Assistant Government Pleader fairly concedes that the order passed by the National Green Tribunal, Southern Zone, is binding, the writ petition is disposed of directing the Assistant Director of Mines and Geology, Nellore, the second respondent, to issue dispatch permits to the petitioner to enable him to undertake removal of the balance mineral covered by the order dated 07.09.2015 passed by the National Green Tribunal, Southern Zone.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

December 31, 2015

LMV