

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.27775 of 2015

ORDER:

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

"to issue writ of Mandamus to declare the action of the respondents in entertaining the applications for sand mining in the area adjacent to the petitioners land in Sy.No. 85 to an extent of Ac.5.75cents, Sy.No.86/3 to an extent of Ac.1.5 cents, Sy.No.86/1 to an extent of Ac 2.00 cents, Sy.No.84/1 to an extent of Ac.8.47cents, Sy.No.82/1 to an extent of Ac.8.0cents, Sy.No.84/3 to an extent of Ac.1.61Cents, Sy.No.87/4 to an extent of Ac.1.77cents situated at Lingapuram (Z) and Kothapalli Villages of Charla Mandal, Khammam District is illegal arbitrary, unconstitutional and contrary to the Telangana State sand Mining Rules, and consequently to direct the respondents that no permission for mining of sand will be given in area adjacent to the petitioners land in Sy.No. 85 to an extent of Ac.5.75cents, Sy.No.86/3 to an extent of Ac.1.5 cents, Sy.No.86/1 to an extent of Ac 2.00 cents, Sy.No.84/1 to an extent of Ac.8.47cents, Sy.No.82/1 to an extent of Ac.8.0cents, Sy.No.84/3 to an extent of Ac.1.61Cents, Sy.No.87/4 to an extent of Ac.1.77cents situated at Lingapuram (Z) and Kothapalli Villages of Charla Mandal, Khammam District."

Heard Sri Ch. Satish Kumar, learned counsel for the petitioners and learned Government Pleaders for Mines and Geology, Revenue and Home for respondents, apart from perusing the material available before this Court.

According to the petitioners, they are all farmers, doing agriculture from the days immemorial and they own small extent of lands in Sy.Nos.85, 86/3, 86/1, 84/1, 82/1, 84/3 and 87/4 of Lingapuram (z) and Kothapalli villages of Charla mandal, Khammam District. It is also the case of the petitioners that the revenue authorities also issued pattedar passbooks and title deeds in their favour. It is further pleaded in the affidavit filed in support

of the writ petition that on

12-08-2015 certain people came with lorries and informed that they are getting leases and they would excavate the sand from 01-09-2015. It is also the case of the petitioners herein that if any excavation of sand is allowed in the area there would be threat of depletion of groundwater level, which would hamper their agricultural activities.

It is further submitted by the learned counsel for the petitioners herein that on 13-08-2015 the petitioners herein along with other villagers submitted a detailed representation to the District Collector, Khammam – 2nd respondent herein for redressal of their grievance and so far no action has been taken on the said representation.

On the contrary, it is submitted by the learned Government Pleader for Mines and Geology that as per the instructions issued by the State Government and as per the new Rules, only the Telangana State Mineral Development Corporation is authorized to excavate the sand.

Submission of representation and the pendency of the same before the District Collector is not in dispute. Taking into consideration the nature of controversy, this Court deems it appropriate to dispose of the writ petition with a direction to the District Collector to take action on the representation, dated 13-08-2015 said to have been made by the petitioners herein along with certain other villagers by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent – District Collector to take

appropriate action on the representation, dated 13-08-2015 said to have been submitted by the petitioners herein along with other villagers after giving notice and opportunity of being heard to the petitioners and all other stakeholders within a period of one month from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

A.V. SETHA SAI, J

September 07, 2015

Note: Furnish C.C. in

one week. B/o.Pn

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