

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

Writ Petition No.13007 of 2015

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ORDER:

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

“The Hon'ble Court may be pleased to issue an order, writ or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 5th respondent in sending proposals for sand de-casting in the agricultural lands of an extent of Ac.1.29 guntas, Ac.1.30 guntas and Ac.0.37 guntas in Sy.Nos.83, 108/34 and 108/36 of Malyala Village, Eturnagaram Mandal, Warangal District, to the 1st respondent for being illegal, arbitrary, violative of principles of natural justice, violative of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, the Telangana State Sand Mining Rules, 2015 and unconstitutional and consequently direct the respondents to forthwith send proposals to the 1st respondent to enable the petitioner to de-cast sand from his lands in an extent of Ac.1.29 guntas, Ac.1.30 guntas and Ac.0.37 guntas in Sy.Nos.83, 108/34 and 108/36 of Malyala Village, Eturnagaram Mandal, Warangal District, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

Heard the learned counsel for the petitioner and learned counsel for the respondents.

According to the petitioner he is the owner of the lands admeasuring Ac.1.29 guntas, Ac.1.30 guntas and Ac.0.37 guntas in Sy.Nos.83, 108/34 and 108/36, respectively, of Malyala Village, Eturnagaram Mandal, Warangal District, and that the said lands are abutting Jampana Vaagu. Further according to the petitioner herein, he made application for the purpose of de-casting sand in his lands and the

District Collector, Warangal, the 5th respondent herein, requested the 8th respondent, Tahsildar, Eturnagaram Mandal, through communication dated 04-03-2015 to submit the photographs of the lands belonging to the petitioner for taking necessary action. The Tahsildar, Eturnagaram Mandal, the 8th respondent herein, sent the photographs of the lands, vide communication dated 12-03-2015. It is also pleaded that the Deputy Director, Ground Water Department, Warangal vide communication dated 11-02-2015 submitted his remarks as per G.O.Ms.No.3, and submitted proposals to the 4th respondent, Assistant Director of Mines and Geology, Warangal, recommending to de-cast sand from the patta lands. The grievance of the petitioner is that despite receiving all the necessary documents, the District Collector, Warangal, the 5th respondent herein has not sent any proposals to the 1st respondent for taking further action in the matter.

This Court on 28-04-2015, in a similar matter, i.e. W.P.No.12667 of 2015, directed the learned Government Pleader for Revenue to get instructions in the matter. Today when the matter is taken up, it is submitted by the learned Government Pleader that a direction may be issued to the 5th respondent to take necessary action in accordance with law.

In view of the above, the writ petition is disposed of, directing the District Collector, Warangal, the 5th respondent herein, to send proposals to the 1st respondent for taking appropriate action to de-cast sand in the agricultural lands belonging to the petitioner admeasuring Ac.1.29 guntas, Ac.1.30 guntas and Ac.0.37 guntas in Sy.Nos.83, 108/34 and 108/36, respectively, of Malyala Village, Eturnagaram Mandal, Warangal District, as expeditiously as possible.

The miscellaneous petition filed in the writ petition shall also stand disposed of.

There shall be no order as to costs.

A.V. SESA SAI, J.

Dt.04-06-2015.

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