

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THETWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.470 of 2015

BETWEEN

Azmera Gopal

... PETITIONER

AND

The State of Telangana, Rep. by its Director of Mines & Geology, Hyderabad
and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard learned counsel for the petitioner; learned government Pleader
for Revenue as well as learned Government Pleader for Mines and Geology.

2. Petitioner claims that he has been granted mining lease for White Clay
to an extent of Ac.10-00 in survey No.61/2 and 62/2 of Rallapet village,
Rebbana Mandal. The said lease was granted by the Assistant Director of
Mines and Geology, respondent No.2,
vide proceedings No.188/M/2010 dated 26.11.2014 and the same is valid for
the period from 26.11.2014 to 11.01.2030. Accordingly, the lease deed is
stated to have been executed in favour of the petitioner.

3. The grievance of the petitioner in the present writ petition is that while he was taking up digging operations by engaging JCB on hire, the revenue authorities and the Sub-Inspector of Police, respondent Nos.4 and 5 respectively, have stopped the mining operations and have seized the JCB and filed a case against the petitioner alleging that he is conducting the mining operations in the Government land. Petitioner denies the said allegation and states that respondent Nos.4 and 5 have no valid cause for obstructing his mining operations. The present writ petition is, therefore, filed seeking Mandamus against respondent Nos.4 and 5.

4. Learned Government Pleader for Revenue, on instructions, from respondent No.4, submits that on the information received from the villagers of Rallapet, the Tahsildar along with the Village Revenue Officer and Mandal Revenue Inspector inspected the spot on 05.12.2014 at 01:45 PM and found that the petitioner was, in fact, digging in the Government land for white clay by engaging JCB proclainer in Survey No.122 and not in survey Nos.61/2 and 62/2 of the said village. Hence, the mining work was stopped and the JCB was seized and on the allegation of conducting mining operations in the Government land, F.I.R.No.144 of 2014 was registered against the petitioner by respondent No.5 on 06.12.2014.

5. Learned Government Pleader submits that as the petitioner was found digging and excavating the Government land, appropriate action was taken by respondent Nos.4 and 5 and that if the petitioner confines his mining activity to the land leased to him, neither respondent No.4 nor respondent No.5 would have any objection.

6. Learned counsel for the petitioner also submits that the petitioner has *bona fide*ly commenced the mining activity in the land leased to him and not in survey No.122, as alleged. However, that is a matter, which is subject matter of FIR No.144 of 2014. Respondent Nos.4 and 5 are free to proceed with the said investigation and take further steps with regard to the said crime.

7. Since the petitioner's mining lease is confined to survey Nos.61/2 and

62/2 of Rallapet village, petitioner shall confine his mining activity only to the said survey number in conformity with the mining plan already attached to his mining lease and shall not encroach upon any other land than the land with respect to which lease was granted for the purpose of conducting mining operations.

Writ petition is, accordingly, disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 22, 2015

Note:-

Furnish copy by three days.

{B/o} LMV