

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

MONDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.7428 of 2015

BETWEEN

M/s.PJRK Stone Crushers, rep. by its Partner

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary (Department of Industries & Commerce), Secretariat Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner, who holds a quarry lease for rough stone and road metal over an extent of 3.000 hectares in survey No.42 of Chillapur Village, Narayanapuram Mandal, Nalgonda District, states that he was granted quarry lease, which is valid for 15 years upto 28.10.2023 and that he had already obtained consent for operation from A.P.Pollution Control Board on 27.04.2011 and has also obtained all relevant permissions for establishing explosives magazine in survey Nos.27, 28, 34 and 35 of Chillapur Village and holds a valid licence upto 31.07.2017 vide consent order from Pollution Control Board dated 30.10.2014. The grievance of the petitioner in this writ petition, however, is that though the mining authorities are not interfering with petitioner's quarry operations, respondent No.4-Circle Inspector of Police, Choutuppal Rural Police Station and respondent No.5-Station House Officer, Choutuppal Police station have interfered and stopped petitioner's quarry work without there being any complaint or any case registered against the petitioner. Hence, petitioner seeks a Mandamus against respondent Nos.4 and 5 from interfering with its quarry operations.

3. Learned Government Pleader for Mines and Geology has received instructions, which states that the Collector and District Magistrate received a complaint from an MPTC, wherein the quarrying operations were required to be enquired into and as per directions of the Superintendent of Police, Nalgonda, dated 10.02.2015, the Circle Inspector of Police, respondent No.4, conducted discreet enquiries and has stated to have submitted a report to the Superintendent of Police on 10.03.2015. It is stated in the report that there are some cracks found in 20 to 35 houses each in Chillapur and Lachammagudem Villages on account of the open blasting conducted by the petitioner. However, further action in that regard is awaited. Insofar as respondent Nos.4 and 5 are concerned, it is stated that no case is registered against the petitioner as on 26.03.2015 and respondent No.4 has only conducted enquiry as per directions of the Superintendent of Police.

4. Obviously, therefore, except conducting enquiry, respondent Nos.4 and 5 have no further role to play when the petitioner is carrying on the quarrying operations in accordance with

the licences issued to it by various authorities. Since the enquiry report is already submitted by respondent No.4 to the Superintendent of Police, no further interference from respondent Nos.4 and 5 is called for, particularly, as they stated that no case is registered against the petitioner. In view of that, petitioner is at liberty to carry on the quarrying operations in accordance with the sanction and the licenses granted in its favour by the competent authorities. However, if any action is required to be taken on the basis of the report submitted to the Superintendent of Police and to the Collector, it is open for the said authorities to take appropriate remedial measures and appropriate action, as they deem fit, by following principles of natural justice.

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

March 30, 2015

Note:-

Furnish copy in three days.

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