

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.31511 OF 2011

ORDER:

Heard Sri P.Roy Reddy, learned counsel for the petitioner, and the learned Government Pleader for Mines and Geology, appearing on behalf of respondents 1 and 2, learned Government Pleader for Revenue appearing on behalf of respondent No.3 and the learned Government Pleader for Home appearing on behalf of respondent No.4 and with their consent the writ petition is disposed of.

2. The present writ petition came to be filed seeking issuance of writ of *mandamus* directing respondents 2 to 4 to take appropriate steps in relation to carrying out the blasting operations illegally by respondents 5 and 6 by using explosives in Sy.No.251 of Seethanagaram village, Anakapalle Mandal, Visakhapatnam District, as illegal and improper.

3. The facts in issue are that the father of the 1st petitioner claims to be the owner of agricultural land admeasuring Ac.0.67 cents in Sy.No.249/1, 249/6 and 249/21 in addition to other extents of land in other survey numbers. Respondents 5 and 6 have been operating a quarry and are extracting road metal since December, 2011 in Sy.No.251 of Seethanagaram village, which is just abutting the patta land of the petitioners. It is further stated that the action of respondents 5 and 6 is causing heavy pollution due to non-implementation of pollution control measures and also due to usage of explosives while blasting the rocks. It is said that the above operation has been carried out without obtaining any licence

from the competent authorities. The petitioners are said to have made representations to the 3rd respondent and also to other respondents, but no action has been taken by any of the respondents till date. Hence the present writ petition.

4. No counter is filed by any of the respondents. But, it is urged that the allegations in the writ petition that respondents 5 and 6 have been carrying out the blasting operations is incorrect and false. Learned Government Pleader for Mines and Geology submits that the District Collector, Visakhapatnam District, has instructed the officials to see that the blasting operations are not carried out in the said land.

5. Learned counsel for the petitioner mainly submits that in spite of direction by the District Collector, Visakhapatnam District, respondents are continuing with the blasting operation and the same is causing loss of inconvenience and damage to the field of the petitioners. The main grievance of the petitioners is that in spite of giving complaints, no action has been initiated.

6. Without going into the merits and having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 3rd respondent -District Collector, Visakhapatnam District to take appropriate steps on the representation, dated 07.03.2011 made by the petitioners, at the earliest and in accordance with law. If no such representation is available, the petitioners shall make a suitable representation, in which event, the same shall be dealt with in accordance with law at the earliest and if necessary after hearing all the aggrieved persons.

Miscellaneous Petitions, if any, pending in this writ petition

shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:28.12.2015
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