

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9890 of 2015

Date: 27-04-2015

Between:

Thumu Venkatanarayana and 13 others

.. Petitioners

AND

The State of Telangana, represented by its
Special Chief Secretary, Industries &
Commerce (Mines-I) Department, Secretariat
Buildings, Hyderabad and 9 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.9890 of 2015

ORDER:

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This writ petition is filed for a mandamus directing the respondents to act in accordance with New Sand Mining Policy, 2014 for the State of Telangana issued in G.O.Ms.No.38, dated 12-12-2014 read with Mining Rules issued under G.O.Ms.No.3, dated 08-01-2015 and issue permits to the petitioners herein for their domestic use i.e. construction of houses for personal use.

2. The case of the petitioners is that they are all residents of various villages in Thallada Mandal, Khammam District and are constructing their own houses and

especially the petitioners 2 to 8 are constructing houses allotted under Weaker Section Housing Programme and the sand is being supplied from Gangadevipadu Vagu and the same has to be transported from Telagavaram and Mittapalli through Tractors and that after bifurcation of the State, the 1st respondent has issued G.O.Ms.No.38, dated 12-12-2014 for implementing new sand mining policy for the State of Telangana and accordingly, the sand available sources viz., 1) rivers and streams; 2) De-silting of reservoirs and 3) De-casting of Private Patta lands and as far as streams are concerned, the source is small village stream or vagu and as far as sand in I and II order are concerned as stated in G.O.Ms.No.38, it is left to local body and villagers for domestic needs, the Government sponsored Weaker Section Housing Schemes and no seigniorage charges are collected and further the land shall be excavated manually and no mechanical means are allowed and further sand is not allowed to be transported outside the local jurisdiction. It is further stated that after issuance of the said G.O., the Government has again issued G.O.Ms.No.3 Industries and Commerce (Mines I) Department, dated 08-01-2015 wherein new sand mining policy is formulate in which sand mining rules are framed which are called Telangana State Sand Mining Rules, 2015. It is further stated that in view of above said policy of the Government for supply of sand, it is incumbent the District Collector and Revenue Divisional Officer, Tahsildar concerned to direct the subordinates to issue permission for sand transportation in respect of sand extraction in I and II Order Streams for local use in respect of house construction. Pursuant to the same, the petitioners have made representations to all the authorities to issue necessary transport permits for supply of sand from Gangadevipadu vagu, but no action has been taken. Aggrieved by the same, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner, the learned Government Pleader for Revenue and Sri P. Raghavender Reddy, learned standing counsel for the respondent Gram Panchayat.

4. Learned counsel for the petitioner stated that after filing of the writ petition, the petitioners have made a representation on 22-04-2015 to the 4th respondent for grant of permits, which is not disputed by the learned standing counsel for the Gram Panchayat.

5. Having regard to the facts and circumstances of the case, the 4th respondent is directed to dispose of the representation filed by the petitioners dated 22-04-2015 keeping in view the guidelines issued in G.O.Ms.No.3 Industries and Commerce (Mines-I) Department, dated 08-01-2015 and also Operational guidelines for I, II and III order streams, as approved by the DLSC, dated 20-02-2015 and take appropriate action accordingly.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 27-04-2015

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