

**HON’BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON’BLE SRI JUSTICE S.V. BHATT**

P.I.L.No.237 OF 2015

PC: *(Per the Hon’ble Sri Justice S.V.Bhatt)*

In the instant public interest litigation, the petitioner prays for Mandamus declaring the inaction of respondent Nos.2 to 6 in preventing the illegal activities of 7th respondent in mining and blasting boulders by using explosives, as illegal, arbitrary and contrary to the provisions of the Environment (Protection) Act.

At the time of hearing, learned Government Pleader for Mines and Geology, on the basis of written instructions, submitted as follows:

“In this regard, it is submitted that as per this office records, one Quarry Lease for Stone and Metal over an extent of Ac.1-00 in Sy.No.74 of Nacharampet Village was previously held by M/s Sri Sai Stone Crusher, Prop. S.Suvarna for the period from 24.01.2004 to 23.01.2014, but the same was determined by the Deputy Director of Mines & Geology, Hyderabad vide Proc.No.5354/

Q-III/2003, dt.02.01.2010. As per the file records the lessee had obtained 9 dispatch permits for Stone & Metal for a quantity of 1,000 M3 from 18.06.2004 to 07.12.2007.

In this context, pit No.2 for a quantity of 1820 M3 is overlapping with the earlier Quarry Lease held by M/s Sri Sai Stone Crusher, Rep. by Smt.S.Suvarna and in which they have obtained dispatch permits for a quantity of 1,000 M3. Hence, Sri V.Srinivas Reddy, Rep. by M/s Sri Sai Stone Crusher is liable for necessary action for illegal quarrying of Rough Stone & Road Metal for a quantity of 13,337 M3 (14337 M3 – 1000 M3).

Therefore, this office has issued demand notice No.3077/RS&RM/2014, Dt.16.01.2015 to Sri V.Srinivas Reddy, Rep. of M/s Sri Sai Stone Crusher directing to pay the following demand for transporting Rough Stone & Road Metal illegally and also for illegal stock of 45 M3 of Rough Stone (Finished mineral) in the above said areas.

Sl. No.	Name of the Mineral	Quant-ity in M3	Seigniorage Charges	Normal Seigniorage Fee in Rs.	5/10 times penalty in Rs.	TOTAL In Rs.
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1	Rough Stone & Road Metal	13,337	Rs.50/- per M3	6,66,850-00	66,66,850-00	73,35,350-00
2	Rough Stone & Road Metal	45	Rs.50/- per M3	2,250-00	11,250-00	13,500-00
	TOTAL			6,69,100-00	66,79,750-00	73,48,850-00

Aggrieved by the said Demand Notice, Sri V.Srinivas Reddy, Rep. of M/s Sri Sai Stone Crusher has filed revision before the Government. The orders are awaited in the matter.

Further, it is submitted that this office vide Letter No.3077/RS&RM/2014, Dt.20.06.2015 addressed the Environmental engineer, TSPCB, Hyderabad with a request to take necessary action on the contents pertaining to their department and also addressed the Circle Inspector, Kothakota Mandal with a request to take necessary action as per Explosive Act with respect to blasting aspect in the subject area.

It is also submitted that this office vide Letter No. No.3077/RS&RM/2014, D.05.02.2015 & 20.06.2015 addressed the Asst.Director of Mines & Geology (Vigilance) Jadcherla, Tahsildar Kothakota and Panchayath Secretary Natavelli Village, Kothakota Mandal with a request to not to allow any illegal quarrying in the area and also addressed a letter to the Forest Range Officer, Wanaparthy to take necessary action if any Forest Land occupied by the Crusher owner and also to safeguard the Forest Land from illegal quarrying of Rough Stone & Road Metal.

The Environmental Engineer, TSPCB, Hyderabad has issued Show Cause Notice No.TSPCB/ROH/Comp/2015-311, Dt: 08.07.2015 to M/s Sri Sai Stone Crusher, Rep. by Sri V.Srinivas Reddy for not meeting the standards stipulated by the Board thereby causing air pollution in the surrounding area.

This is submitted for kind perusal.”

From the above, it is clear that it is not a case of complete inaction as complained by the petitioner. Further, from the material available on record, it is evident that the quarrying is undertaken from 2003 onwards. The petitioner, having kept quiet all these years, cannot suddenly realize inaction on the part of the respondents and canvass the same in the present public interest litigation. The petitioner, as a matter of fact, being a neighbouring land owner is personally interested in an act of commission or omission by the official respondents or respondent No.7. We are not inclined to grant prayer as set out in the PIL, but having

regard to the instructions taken on record, the petitioner is given three weeks time from the date of receipt of a copy of this order to file his representation before all the authorities including TSPCB in pending show cause notice No.TSPCB/ROH/Comp/2015-311 dated 08.07.2015 for redressal of his grievance and the representation, if any, is filed by the petitioner, the representation is required to be examined and appropriate orders are passed. It is made clear that while disposing of the writ petition or giving liberty to the petitioner to make representation, this Court has not examined the merits or otherwise of the grievance of petitioner and it is for the authorities concerned to examine the grievance in accordance with law, afford opportunity to 7th respondent and pass appropriate orders.

PIL is, accordingly, disposed of.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

ACJ

DILIP B. BHOSALE,

S.V.BHATT,

J

Date: 07.09.2015

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