

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43641 OF 2016

Dated:19.12.2016

Between:

Ganta Nagamani, W/o. Ganta Sreenivasarao,
Aged about 30 years, H.No.6-9-A,
Butchayyapeta mandal, Rajam
Village, Visakhapatnam and others .. Petitioners

AND

The State of Andhra Pradesh, rep., by its
Principal Secretary, Mines and Geology
Department, Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.43641 OF 2016****ORDER:**

Heard. With the consent of learned counsel for the parties, the Writ Petition is disposed of at the stage of admission.

2. Some of the petitioners are Ward Members of the Gram Panchayat and others are residents of Rajam Village. They are aggrieved by the order, dated 22.06.2016, passed by the Director of Mines and Geology granting quarry lease for colour granite over an extent of 24.00 hectares in Survey No.396 of Rajam Village in favour of the 7th respondent and the orders of the Government, dated 27.07.2016, with reference to execution of lease deed.

3. The grievance of the petitioners is that the licence was granted for quarrying colour granite on hillock, which is a source for water stream for the village and if the petitioners damage the same by undertaking quarrying operations, it would cause irreparable hardship to the villagers.

4. Learned counsel for the petitioners submits that the villagers have been protesting against quarrying operations, but no one has acceded to their protest and in spite of the protest, the lease was granted. The petitioners claimed to have submitted several representations to various authorities, including the District Collector, Visakhapatnam, on 14.07.2014.

5. Learned Standing Counsel appearing for the Pollution Control Board submits that on proper verification and enquiry only, the Pollution Control Board has given clearance. He further submits that the Tahsildar, Butchayyapeta Mandal, and the Divisional Forest Officer, Visakhapatnam, have conducted personal inspection and have noticed that there are no water courses/irrigation channels passing nearby the proposed area and there are no habitations, Educational Institutions, Historical Structures or Electrical Transmission Lines. Therefore, the Revenue and Forest Departments have given clearance. Thus, cumulatively all the authorities have consented for establishment of colour granite and on consideration of those reports, the competent authority has passed the orders.

6. *Prima facie*, as seen from the record, there is no reason to doubt the veracity of the report submitted by the Tahsildar, Divisional Forest Officer and the consent given by the Pollution Control Board. However, learned counsel for the petitioner persists with his contention that establishment of unit for quarrying of colour granite on the hillock would cause irreparable damage to the area and there would be permanent loss of water stream and would affect ecological balance. Since this being a serious issue, I grant liberty to the petitioners to make a detailed representation to the Government with all the relevant documents in support of their claim and on receipt of such representation, the Government shall consider and take appropriate decision, as warranted in law. In the event of Government accepting the

contention of the petitioners, it shall cause notice on the 7th respondent and after affording due opportunity to the 7th respondent, appropriate orders be passed. However, I am not inclined to stay the quarrying operations and they may go on until a decision is taken by the Government contrary to the earlier orders and accepting the grievance of the petitioners.

7. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:19.12.2016

KH

P. NAVEEN RAO, J

