

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
PUBLIC INTEREST LITIGATION No. 228 of 2015

Date: 28.03.2016

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Between:

Kundurthi Guravachary

... Petitioner

And

State of A.P., rep., by its Principal Secretary,
Mines, Industries & Commerce Department,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

PUBLIC INTEREST LITIGATION No. 228 of 2015

—
PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This writ petitioner in the public interest seeks the following relief:

“For all the reasons and facts stated in the accompanying affidavit, it is humbly prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents in not taking appropriate action to stop illegal mining/quarrying and illegal transportation in the above said lands as illegal and void and to direct the respondents immediately to stop the supply of blasting material and arrest the persons illegally quarrying and illegal transportation of the white limestone in the above said areas by taking appropriate action and also recover the loss incurred to the Government by way of evasion of royalty cess and the loss incurred for patta land holders of the revenue lands due to the excavation of white lime stone material by the culprits and to pass such other appropriate order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

According to the petitioner, the 6th respondent is carrying on illegal mining/quarrying and he has been doing this since last 20 years.

The official respondents have filed counter affidavit admitting that illegal mining was going on and that has now been stopped. Sri K.Jaganmohan Reddy, learned counsel holding for

Sri V. Rajagopal Reddy, advocate for the petitioner, on instructions from the petitioner, who is present in the Court, denied the statement made by the official respondents and stated that even now mining operation is going on. We cannot enter into this controversy. We are satisfied that this public interest litigation, having regard to overall facts and circumstances of the case and the allegations made by the petitioner, can be conveniently disposed of by the following order:

“The District Collector, Guntur – 4th respondent is directed to not only to stop the mining operation, if any, going on at the site mentioned in the writ petition, but shall see that no mining operation, without mining lease, is carried on either by respondent No.6 or any other person in future.

Respondent No.1/concerned authorities are directed to assess the loss caused to the public exchequer through illegal mining/quarrying and see that a liability can be fixed and loss in terms of royalty with penalty, if any, is recovered from a person, who indulged in the alleged illegal mining. Respondent No.4 shall endeavour to comply this direction as expeditiously as possible and preferably within six months from the date of receipt of this order.

Learned Government Pleader appearing for respondent No.4 is directed to communicate this order to respondent No.4/concerned authority within a period of fifteen days from today.

It is open to the petitioner to approach respondent No.4/the concerned authorities with the photographs, if he finds that illegal mining is still in progress.”

With the above observations, the public interest litigation is disposed of.

Miscellaneous petitions, if any, shall also stand disposed
of.

DILIP B.BHOSALE, ACJ

P. NAVEEN

RAO, J

Date: 28.03.2016
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