

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1650 of 2017

ORDER:

The petitioner, who has been granted mining lease over an extent of Acs.10.00 of land in Sy.No.99 of Kamareddiguda Village, Vikarabad Mandal, Vikarabad District, is aggrieved by the Notice dated 09.01.2017 issued by the 5th respondent, whereunder he was directed to temporarily stop quarry and crushing operations in the said premises.

2. Learned counsel for the petitioner submits that the petitioner has obtained necessary permission from the authorities concerned and has been operating the crusher for the last 8 years without there being any complaints whatsoever. It is only at the instance of certain disgruntled persons in the village to black-mail the petitioner, a false complaint has been lodged against the petitioner and there is no truth in the allegation that indiscriminate blasting operations undertaken by the petitioner are causing severe damage to the houses in the village. The learned counsel also submits that the notice dated 09.01.2017 issued by the 5th respondent was, in fact, received by the petitioner on 11.01.2017 and immediately thereafter, the petitioner submitted a detailed explanation on 12.01.2017. The learned counsel would further submit that already certain excavation material is available with the petitioner and if the petitioner is prevented from crushing operations, he would be failing in his

commitment to the builders, which would result in grave loss to the petitioner.

3. On the other hand, the learned Government Pleader for Mines and Geology submits that as the petitioner has already submitted his explanation to the aforesaid notice, the same will be considered and appropriate orders would be passed as expeditiously as possible.

4. Considering the submissions made by the learned counsel for the respective parties, interest of justice would be served, if a direction is issued to the 5th respondent to consider the explanation/objections submitted by the petitioner on 12.01.2017 within a period of one week from the date of receipt of a copy of this order. If any uncrushed material belonging to the petitioner is lying in the subject premises without involving blasting, the petitioner may be permitted to crush the same and dispatch the material to the parties concerned.

5. Subject to the above direction, this writ petition is disposed of. No order as to costs.

6. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE CHALLA KODANDA RAM

23.01.2017.

Msr

NOTE: Issue C.C. forthwith.
(B/O)
GK

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23.01.2017
Msr