

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 562 of 2017

Date :22.12.2017

Between :

Smt Pulli Lalithamma W/o P Govinda Reddy
43 yrs R/o Palukur village,
Banaganapalli mandal, Kurnool district and others

Petitioner

And

Sri B Sreedhar, IAS
The State of A P
Principal Secretary cum Director,
Department of Mines and Geology
5th & 6th floors, B Block, Sri Anjaneya Towers
Ibrahimpattanam, Krishna district and others

Respondents

The Court made the following:



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ORAL ORDER:

In the writ petition, petitioners alleged that 5th respondent was carrying on illegal and unauthorized quarrying operations on the subject property though his lease expired in the year 2011 and no further extension was granted. Learned Government Pleader also stated before the Court that no further extension of the lease was granted after it was expired in the year 2011. In the interim prayer, petitioners sought direction to the respondents to take immediate steps for stoppage of unauthorized and illegal mining operations in the quarry lands situated in Survey No. 284/2 and 285 of Palkur village, Banaganapalli mandal over an extent of 1.000 hectare by 5th respondent.

2. Alleging that said interim order is violated and illegal mining operations are going unabated, this contempt case is filed.

3. In the counter affidavit filed by the respondents, they have stated that when inspection was conducted on 6.1.2017 they noticed illegal quarrying and same was stopped and labourers were warned not to resort to illegal excavation of the mineral. It is also stated that when Royalty Inspector and Technical Inspector inspected the subject premises on 19.1.2017 they have not noticed quarrying operations nor any machinery or vehicles were found in the area. As averments are not very specific on undertaking quarrying operations and whether transportation was carried on and whether transportation permits were granted, the matter was adjourned to enable the official respondents to file additional affidavit. Additional affidavit deposed by one Y Venkat Reddy, Assistant Director of Mines and Geology, Banaganapally, Kurnool district is filed. In paragraph 11 it is stated that in presence of representatives of petitioners, inspection was conducted on 6.1.2017 and at that time some

labourers were found undertaking quarrying operations with their tools and on noticing them, they ran away. Further inspection was conducted on 19.1.2017. Such inspections were also conducted on 15.2.2017, 16.2.2017, 17.2.2017, 18.2.2017, 20.1.2017, 21.2.2017, 13.11.2017 and 4.12.2017 and on all those dates no person was found in the premises. According to the assertion of the respondent authority, no quarrying operations were noticed and that there is no transportation of alleged illegal mineral quarried.

4. In the counter affidavit filed on behalf of 4th respondent in the contempt case, it is asserted that his quarrying lease expired in the year 2011 and though application was made before expiry of the quarry lease, same was rejected on 22.12.2016 and that after expiry of the lease, he was not undertaking quarrying operations. It is further stated that he is not responsible or even remotely connected with illegal quarrying operations conducted by third parties or labour groups.

5. No material is brought on record to show that even those labourers who are found in the said premises on 6.1.2017 were engaged by 4th respondent. According to the assertion of second respondent, no quarrying operations were noticed subsequently.

6. Having regard to these assertions and in the absence of any material to disprove that what they are stating on oath is not correct and is absolutely falsehood, it cannot be said that respondents have violated the directions of this Court necessitating initiation of contempt proceedings. Respondents are discharged and contempt case is accordingly closed. No costs.

P NAVEEN RAO,J

DATE: 22.12.2017
TVK

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