

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE T.RAJANI

WRIT PETITION NO.2 OF 2017

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This Writ Petition is filed in public interest by 12 villagers of Yerragudi, Mannekunta and Gorantla Villages seeking a mandamus to direct the respondents to prevent illegal sand mining in Handri River, near SH Yerragudi, Mannekunta Villages of Krishnagiri Mandal and Gorantla Village of Kodumur Mandal of Kurnool District, on the ground that the regular administrative machinery has failed to control illegal mining of sand resulting in adverse effect to the interests of local farmers, and the drinking water schemes of the river bed villages by way of ground water depletion. A consequential direction is sought to direct the District Collector, Kurnool, and the Director of Mines and Geology, to prevent illegal sand mining activity in the above three villages forthwith by seizing the vehicles involved in transportation of sand.

We had, in our order dated 07.03.2017, noted the contents of the affidavit of the District Collector, Kurnool, dated 27.02.2017, that he would inform this Court of the disciplinary action taken against the village level and Mandal level officers fixing the responsibility on the concerned; a weekly review, by the Collector with the District Level Task Force, the Divisional Level Task Force as well as Squads, would be taken up, and the situation monitored to totally control illegal sand mining; erection of sufficient CCTVs on both the banks, covering the areas of sand available in the three villages duly connecting it to web through internet, would be

completed in 15 days; the same shall be monitored by fixing the monitor in Collector and SP chambers as well as in control room in the Collector officer on a 24 x 7 basis; and CCTV cameras with night vision will also be erected in all sand reaches of all villages through which Hundri is flowing, after the Committee constituted submits its report within 15 days.

Thereafter, a report has been filed in the form of a counter affidavit dated 03.04.2017. In the said report, the District Collector states that disciplinary action has been taken against the Village Revenue Officer of SH.Yerragudi, Mannekunta, Gorantla and Ramachandrapuram villages; they were suspended from duties for their failure to control illegal excavation, transportation and stocking of sand vide proceedings dated 02.02.2017; show cause notices have been issued to the Tahsildars of Krishnagiri and Kodumur, and other Mandal level Task force committee members; explanations have been submitted; the Revenue Divisional Officer, Kurnool was appointed as the enquiry officer to conduct an enquiry into the matter; and after receipt of the enquiry report from the Revenue Divisional Officer, Kurnool, final action would be taken against them.

It is also stated that five review meetings, of the District Level Task Force committees, were conducted to review the progress in controlling illegal sand mining; review meetings were also conducted with Special Squads appointed exclusively for Krishnagiri and Kodamur mandals to monitor the Hundri river flowing through all villages in these two mandals vide proceedings dated 05.02.2017; the officials were instructed to conduct surprise raids in these villages and were directed to be more vigilant, and

put their best efforts to curb illegal excavation/transportation of sand; they were also warned that if anyone is reluctant, action would be taken against them; these two special squads were brought under the control of the concerned Tahsildars to have regular surprise raids, as well as weekly reviews; mobile teams had conducted surprise checks, and had submitted reports; as per the reports, illegal sand mining in Hundri river is totally controlled; meetings of the Divisional and Mandal level Task force committees, under the chairmanship of RDOs and Tahsildars, are being conducted regularly; a three member committee, headed by the Joint Collector, Kurnool, was constituted with the RDO, Kurnool and the Assistant Director, Mines, Kurnool, to finalise the rates and the location of the cameras in Sh.Yerragudi, Mannekunta and Gorantal Villages; a work order was given to M/s. Brihaspathi Technologies PVT Ltd for installation of 10 CCTV cameras with night vision with 360 degrees angle rotation on the bank of the Hundri river in the said three villages vide proceedings dated 27.03.2017 at a cost of Rs.17.95 lakhs; these ten cameras have been installed and connected to the web; monitors have also been arranged in the Collector's chamber and SP's chamber, and in the 24 x 7 Command & Control room in the Collectorate; the same can be viewed at any time in the mobile phone; the three member committee, constituted for all the seven mandals, was instructed to identify the availability of sand – survey number wise in each village of the seven mandals through which Hundri is flowing; accordingly seven teams, which were constituted at one team for each Mandal, have conducted physical verification, and have submitted their report on the availability of sand, survey number

wise, in respect of each village; 17 locations were identified in category-I where the sand availability is more than 1,00,000 cubic meters (cbm); these locations have been selected for installation of CCTV cameras in the second phase; in the remaining categories the CCTV cameras would be installed in a phased manner, based on the availability of budget at the district level; proposals would be submitted to the Government for reimbursement of the expenditure already incurred, and for sanction of budget for the other phases; criminal cases have also been booked for theft of sand to a tune of 16000 cbm; cases were also booked against the pattadars, who had permitted the laying of a kutchra track through their lands, for transportation of the illegally mined sand; border check-posts were identified at nine location at the State border in Kurnool District, and officials from Revenue, Police, Transport and Mining Department have been deployed to monitor the border check-post vide proceedings dated 18.03.2016; and these border check-posts have been activated by providing infrastructure facilities to prevent illegal transportation of sand to other States.

Sri V.L.Surendra, learned counsel for the petitioners, would fairly state that, in the light of the elaborate report submitted by the District Collector stating that the kutchra track has been removed, and CCTV cameras have been installed, the petitioners are satisfied with the action taken by the District Collector in this regard.

Suffice it to make it clear that the disciplinary proceedings initiated against the officials shall be continued; the enquiry shall be completed with utmost expedition, in any event within a period of three months from today; and, based on the enquiry report,

action shall be taken against those errant officials whose indifference or negligence, or in some cases active collusion, has resulted in illegal mining of sand. The District Collector shall continue to take all such steps as are necessary to ensure that there is no illegal quarrying of sand in Hundri river.

The Writ Petition is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

12th June 2017
RRB

