

**THE HON'BLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.27570 of 2017**

**ORDER:**

Heard Sri K. Durga Prasad, learned counsel for the petitioner, learned Government Pleader for Mines and Geology for respondent Nos.1, 2 and 4 and Sri V. Pratap Reddy, learned Standing counsel for the 3<sup>rd</sup> respondent.

According to the petitioner, he is an agriculturist having land, admeasuring Ac.1.10 guntas situated in Sy.No.182/26 of Sompalli Village, Burgampadu Mandal, Bhadrachalam District. It is stated in the affidavit filed in support of the writ petition that the petitioner along with 12 others submitted applications for de-casting of sand in their pattalands in the year 2016. The District Level Sand Committee headed by the District Collector, 2<sup>nd</sup> respondent herein, vide proceedings No.4124/Sand/2012, dated 21.03.2017, authorized the Telangana State Mineral Development Corporation, 3<sup>rd</sup> respondent herein, for de-casting the sand on behalf of pattadars as per the Rules in force. As a consequence of the said order, the Project Officer, Khammam and BDDKTDM Corporation Limited vide reference No.TSMDC/BDDKTDM/SAND/PL/2016-17/401, dated 23.03.2017, requested the 3<sup>rd</sup> respondent to take further action in the matter as per law. In the above background, the complaint of the petitioner is that despite the said recommendation made by the District Level Sand Committee and the letter, dated 23.03.2017, addressed by the 4<sup>th</sup> respondent, no action has been taken by the 3<sup>rd</sup> respondent.

According to the learned counsel for the petitioner due to the inaction on the part of the 3<sup>rd</sup> respondent, petitioner is not in a position to cultivate his land because of the sand deposit in the subject land. It is submitted by the learned counsel that the said action on the part of the 3<sup>rd</sup> respondent is a patent violation of the fundamental rights, guaranteed under Articles 14 and 21 of the Constitution of India. In elaboration, it is submitted by the learned counsel that the said action is directly affecting the livelihood of the petitioner as guaranteed under Article 21 of the Constitution of India.

In the facts and circumstances of the case and having regard to the proceedings, dated 21.03.2017, of the District Level Sand Committee and the letter, dated 23.03.2017, of the 4<sup>th</sup> respondent, this Court does not find any justification on the part of the 3<sup>rd</sup> respondent in not taking appropriate action in furtherance thereof.

For the aforesaid reasons, the writ petition is allowed, directing the 3<sup>rd</sup> respondent to take appropriate further action pursuant to the proceedings, dated 21.03.2017, of the District level Sand Committee, 2<sup>nd</sup> respondent herein, and the letter, dated 23.03.2017, of the 4<sup>th</sup> respondent, within a period of four weeks from the date of receipt of this order. No order as to costs.

Miscellaneous petitions, if any, shall stand closed.

**A.V.SESHA SAI, J**

Date: 28.08.2017  
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