

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.40203 of 2017

ORDER:

This Writ petition is filed seeking the following relief:

'....to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in not stopping the illegal sand mining in the Raghupathipet Village Reach, Kalvakurthy Mandal, Nagarkurnool District, is illegal, arbitrary and violative of Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case'

2. The complaint in this writ petition relates to illegal sand mining and transportation of sand in huge quantities in Raghupathipet Village Reach, Kalwakurthy Mandal, Nagarkurnool District.

3. I have heard the submissions of learned counsel for the petitioners, learned Standing Counsel appearing for the third respondent, learned Assistant Government Pleader appearing for the fourth respondent and learned Government Pleader for Home appearing for respondents 7 and 8. I have perused material record.

4. Learned Assistant Government Pleader appearing for the fourth respondent would submit that if the petitioners are aggrieved of illegal sand mining and if their complaint relates to illegal sand mining and transportation, they have to approach the District Collector concerned as per the terms of G.O.Ms.No.9, Industries and Commerce (Mines.I) Department, dated 24.02.2016, and on the petitioners making such an application, the District Collector shall forward the same by assigning unique number to a team to conduct enquiry by duly causing inspection in the presence of the complainant and other party, if any, and that further action shall be taken on the enquiry report within 15 days from the date

of receipt of the complaint from the Collector and District Magistrate, and therefore, the writ petition is not maintainable.

5. Learned counsel for the petitioners would submit that the petitioners would approach the District Collector forthwith without any further delay and that the process contemplated under G.O.Ms.No.9, dated 24.02.2016, takes a long time and that in the meanwhile, huge quantities of sand would be mined and transported and it would cause huge loss to the villagers, and that the illegal sand mining would affect not only environment, but also the water levels and expose the village to the danger of floods and affect the agricultural operations in the village. He, therefore, sought an interim order from this Court to stop such illegal sand mining till the petitioners approach the District Collector in terms of G.O.Ms.No.9, dated 24.02.2016.

6. Having regard to the facts and submissions, the writ petition is disposed of directing the petitioners to approach the District Collector by following the terms of G.O.Ms.No.9, dated 24.02.2016. However, this order shall not preclude the respondent authorities from stopping the illegal sand mining, if any, taking place in the village in the meanwhile.

Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

M. SEETHARAMA MURTI, J

Date: 07.12.2017

Note: Issue CC tomorrow

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