

HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41158 of 2017

ORDER.

This Writ Petition is filed seeking the following relief:

“.... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents in according permission to de-casting/removing of sand deposited due to over flow of "Pamuleru Vaagu" in the petitioners' private patta lands admeasuring an extent of Ac.5.00 cents covered by Survey Nos.147/23 and an extent of Ac.1.00 cents covered by Survey No.316/A total an extent of Ac.6.00 cents situated in Buruguvai village, Peddaravigudem Gram Panchayat, Kukunuru Mandal, West Godavari District and to transport the same to other places, in spite of the petitioners repeated representations dated 25-02-2016, 10-05-2017 and 12-07-2017 as illegal, irregular, arbitrary, violation of the principles of Natural Justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently, to direct the respondents to permit the petitioners to de-cast/remove the sand from the petitioners' above said private Patta lands and to transport the same to other places.”

Heard learned counsel for the petitioners, learned Government Pleader for Revenue (Andhra Pradesh) appearing for respondent Nos.1, 2 & 7, and learned Government Pleader

for Mines and Geology (Andhra Pradesh) appearing for respondent No.4 and perused the material record.

The case of the petitioners is that they have private patta lands adjacent to the banks of Pamuleru Vagu; that they are not in a position to cultivate their lands due to deposit of sand in their lands on account of overflow of water from the said vagu into their lands; that even during the lifetime of their father, representations were made for excavation and removal of the sand that is deposited in their lands and that in view of the revised Sand Policy, 2016 of the State (Free Sand Policy), they are entitled to excavate the sand from their lands; that on account of the inaction of the respondents in permitting them to excavate the sand deposited in their lands, representation, dated 25.02.2016, was submitted to respondent No.4; that respondent No.4 addressed letter, dated 21.6.2016, to respondent No.5 directing him to submit a report on the factual issues; and that so far, the said officer has not submitted a report for facilitating further action in the matter.

Learned counsel for the petitioners would submit that the only apprehension of the respondent-authorities, as could be seen from the said letter, is that there is a chance of the petitioners transporting the sand excavated from their lands to

the State of Telangana and that in that view of the matter, the Writ Petition may be disposed of with appropriate directions to the respondents. He would further submit that the petitioners are prepared to undertake that the sand excavated from their lands will not be transported to the other State.

The factual matrix of the case is not in dispute.

Learned Government Pleader for Revenue appearing for respondent Nos.1, 2 and 7 and learned Government Pleader for Mines and Geology appearing for respondent No.4 endorses the said submissions of the learned counsel for the petitioners.

Recording the aforesaid submissions, the Writ Petition is disposed of directing respondent No.5 to forthwith submit a report to respondent No.4, as sought for in the latter's letter dated 21.6.2016; and the respondent No.4 is directed to act on the report submitted by respondent No.5 and take an appropriate considered decision in the matter in strict accordance with the procedure established by law, keeping in view the undertaking given by the petitioners that they will not transport the sand excavated from their lands to the other State. Respondent Nos.4 and 5 are directed to complete the necessary exercises in this regard as expeditiously as possible and preferably within four weeks from the date of receipt of a copy

of this order and communicate the decision taken thereto to the petitioners within a week thereafter. No costs.

As a sequel, the Miscellaneous Petitions, if any, pending shall stand dismissed.

JUSTICE M.SEETHARAMA MURTI

11th December 2017

Note:

1. While mentioning the cause title, the Registry is directed to mention the name of petitioner No.1 as "Babu Rao" instead of as "Babu".

2. Issue CC by 14.12.2017.

B/o

DR

