

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.44869 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the inaction of the Respondents, ore particularly Respondents 2 & 3 in not taking action against Respondent No. 4 by permitting it to carry on mining activity in un-demarcated place in Sy. No. 41 of Kontivada Village, Veldanada Mandal, now Nagarkurnool District contrary to GO MS. No. 141 dated 11.10.2012 as wholly illegal, arbitrary and contrary to the provisions of Article 14, 19(1)(g) and 21 of Constitution of India and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

2. Heard Sri V.Hari Haran, learned counsel appearing for the petitioner and the learned Government Pleader for Mines and Geology appearing for the respondents 1 to 3. Perused the material available on record.

3. The case of the petitioner is that the petitioner is the absolute owner and possessor of land admeasuring Ac. 16.00 guntas in Survey No.41, situated in Konetiwada Village, Veldanada Mandal, presently Nagarkurnool District, and that respondents 2 & 3 has granted mining lease for Quartz and Feldspar over an extent of Ac. 6.00 (2.43 Hectares) in Survey No.41/A of Konetivada Village, Veldanda, Mahabubnagar District, for a period of 20 years in favour of the 4th respondent on 11.10.2012. The main grievance of the petitioner is that in violation of the lease agreement and the area over which the 4th respondent has been granted lease, the 4th respondent is carrying mining operations by encroaching into the

lands of the petitioner and the lands of others over which the 4th respondent has no rights. Setting out all these aspects, the petitioner submits that he has made a representation, dated 04.07.2017, to the Assistant Director, Mines, Nagarkurnool District (3rd respondent), but so far, no action has been taken on the said representation by the respondent authorities.

4. Having regard to the facts and circumstances of the case and considering the nature of the relief that is being sought in the writ petition and particularly alleging that the 4th respondent is mining over and above the area over which he was granted mining lease, the respondent authorities shall take into consideration all the allegations made by the petitioner and by conducting enquiry, take necessary action, in accordance with law, if the allegations made by the petitioner are found to be correct. In the process of conducting enquiry and taking action, the respondent authorities shall follow the principles of natural justice and issue proper notice to the 4th respondent and take necessary steps, in accordance with law. The petitioner is also at liberty to make further representation, if he is aggrieved.

5. With the above observations, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date: 29th December, 2017

KL

143

HON'BLE SRI JUSTICE CHALLA KODANDA RAM**WRIT PETITION No.44869 of 2017**Date: 29th December, 2017

KL