

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.4425 of 2018

O R D E R:

Heard counsel for the petitioner, the Government Pleader for Industries appearing for respondents, 1, 2 & 4 and Sri V.Prathap Reddy, Standing Counsel appearing for 3rd respondent.

2. Petitioner has questioned in this Writ Petition the inaction of the 3rd respondent in lifting sand from his patta land as per orders dt.26.08.2015 of the 2nd respondent.

3. According to the petitioner, the 2nd respondent had issued proceedings on 26.08.2015 handing over petitioner's patta land to the 3rd respondent for extraction and transportation of 1,97,160 Cbm of sand under Rule 7 of TSMMC Rules 2015.

4. Though the 3rd respondent entered into an agreement on 29.08.2015 for one year for decasting the said quantity of sand, they lifted only 1,34,726.50 Cbm and balance quantity of 72,842 Cbm has not been lifted till date.

5. In the counter affidavit filed by the 3rd respondent these figures are admitted.

6. Though the Government Pleader for Industries disputed the said figures, once the 3rd respondent has

admitted in its counter that it has been able to decast only 1,34,726.50 cbm of sand (*in para 5 of the counter affidavit of 3rd respondent*), it is not open to the 4th respondent to contest the said figure without any material.

7. The Government Pleader for Industries states on instructions that the 3rd respondent will excavate the sand in respect of the agreements which are already entered into and lapsed without decasting the sand by renewing the agreements, after obtaining necessary approval from the concerned DLSC for the quantity left over to excavate.

8. I do not see any reason why DLSC should again reexamine and grant fresh approval for excavation when it is not the case of respondents that the earlier approval granted by the DLSC is incorrect and made without application of mind.

9. Therefore, the 3rd respondent shall strictly adhere to the timelines mentioned in Memo No.2121/M.I(1)/2018-1 dt.16-04-2018 and Memo No.2121/M.I(1)/2018-3 dt.18-04-2018 and decast the sand from the lands of petitioner. The said exercise shall be completed by the 3rd respondent within a period of two (02) months.

10. The Writ Petition is disposed of with the above directions. No costs.

11. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

01st May, 2018.
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