

HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 25192 of 2018

ORDER:-

Heard learned Counsel for the petitioners and the learned Government Pleader for Mines and Geology and the learned Government Pleader for Forests.

2. A letter, bearing L.Dis.Rc.No.B/4968/2015, dated 17.02.2017, of the Tahsildar, Laxmidevipally Mandal, Bhadradri Kothagudem District, addressed to the Assistant Director of Mines and Geology, Bhadradri Kothagudem District/R.4 herein is under challenge in the present Writ Petition.

3. By way of the impugned letter, dated 17.02.2017, the Tahsildar/R.5 herein informed that it is not possible to issue permission of de-casting of sand. On the ground that their lands became uncultivable due to deposit of sand, the petitioners herein made separate applications, dated 02.11.2015 to the District Collector/R.3 herein for grant of permission to decast the sand from their lands. After receipt of the said applications, the Assistant Director of Mines and Geology/R.4 herein addressed a letter on 03.11.2015 to the TahsildarR.5 herein to furnish the reports.

4. It is averred in para 5 of the writ affidavit that thereafter, the 5th respondent herein got enquired into the details of the petitioners' lands through Village Revenue Officer, Mandal Surveyor and Mandal Revenue Inspector and they inspected the land and submitted their reports, dated 08.12.2015 informing about accumulation of the sand in the subject lands. Thereafter,

complaining against the inaction of the Tahsildar/R.5 in sending the reports, the petitioners filed W.P.No.1026 of 2018 and the said Writ Petition was disposed of by this Court on 05.01.2018 directing the Tahsildar/R.5 to send report to the Assistant Director of Mines and Geology/R.3 herein as required under law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of the Order.

5. The report of the Mandal Surveyor, which is filed along with the Writ Petition, discloses that the lands in Sy.Nos.233, 234, 238, 239, 240, 241, 235, 236, 237, 173, 180, 181 and 182 are patta lands and there is accumulation of sand in the said lands. The report of the Village Revenue Officer, Bangaruchelaka, Kothagudem, Khammam District, also shows the existence of the patta lands of the petitioners herein. In the said report, the Village Revenue Officer also confirmed the accumulation of the sand in the patta lands of the petitioners herein.

6. Today, when the matter is taken up, it is submitted by the learned Government Pleader for Forests that the subject area falls under Reserve Forest Area of Kinnerasani Sanctuary Area.

7. In order to have a quietus for this factual controversy, this Court deems it appropriate to direct the respondents herein to arrange a joint survey of the subject area and to fix boundaries by involving the Revenue, Mining, Forests and Survey & Land Records Departments, after issuing notices to the petitioners herein and based on the report, further action in the matter shall be taken, strictly in accordance with law.

8. With the above direction, the Writ Petition stands disposed of. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this Order.

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

A.V.Sesha Sai, J

Date:08.10.2018
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