

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

WRIT PETITION Nos.38220, 38223 and 38233 OF 2016

COMMON ORDER:

Heard learned counsel for the petitioners and Government Pleader for Industries appearing for the respondents.

2. In all these three writ petitions, petitioners' contend that they have been granted permission to de-cast the sand from their patta lands on 19.05.2015 by the 3rd respondent, but, they were not allowed to de-cast the sand. Though they had entered into an agreement for de-casting the sand, subsequent thereto, no permits for transportation of sand were given to them by the respondents.

3. Government Pleader for Industries, appearing for the respondents, states that by the date of order, which was passed on 19.05.2015, G.O.Ms.No.30, Industries and Commerce (Mines.I) Department dated 06.05.2015 had come into force, wherein the State Government has designated the Telangana State Mineral Development Corporation as the sole authority to de-cast the sand from the lands of pattadars and without noticing the said G.O., the 3rd respondent had passed the orders under the pre-existing policy under G.O.Ms.No.38, Industries and Commerce (Mines.I) Department dated 12.12.2014 and therefore, the petitioners were not allowed to transport sand though they were given permission to de-cast sand.

4. It is not the case of the respondents that the petitioners were informed about the mistake committed by the 3rd respondent in following the wrong G.O., at any point of time. In view of the negligence of the 3rd respondent, the petitioners were deprived of

an opportunity for getting the sand de-casted from their patta lands and raising crops therein for the last three years. This indicates carelessness and negligence on behalf of the respondents in giving aid to petitioners and in making the petitioners to suffer for three years without raising any crop. Therefore, this is a fit case to grant compensation to petitioners for the loss suffered by them.

5. Therefore, all these three Writ Petitions are allowed; the 1st respondent shall pay each of the petitioner compensation of Rs.1,00,000/- (Rupees one lakh only) to be recovered from the Members of the District Level Sand Committee, who passed order dated 19.05.2015, negligently by not applying G.O.Ms.No.30, dated 06.05.2015, within a period of four (04) weeks from the date of receipt of a copy of this order; petitioners' applications for de-casting sand from their patta lands shall be forthwith forwarded by the 4th respondent to the 3rd respondent for a decision to be taken by the 3rd respondent, within two (02) weeks from today, in order to ensure that before the next crop season, the sand, which was accumulated in petitioners' patta lands is got de-casted through TSMDC and the decision by the 3rd respondent in this regard shall be communicated to each of the petitioners, within four (04) weeks from today.

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

M.S.RAMACHANDRA RAO, J

APRIL 11, 2018

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Dt: 11.04.2018

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