

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL,
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .NO: 10484 of 2015

Between:

- 1 K. Naganath Rao S/o. Gangaram
- 2 K. Kavitha, D/o. K. Naganath

..... Petitioners

AND

- 1 The State of Telangana, Rep. by is Principal Secretary, Industries and Commerce (Mines-I) Department, Secretariat, Hyderabad.
- 2 The District Collector, Nizamabad District.
- 3 The Joint Collector, Nizamabad District.
- 4 The Revenue Divisional Officer, Bodhan, Nizamabad District.
- 5 The Tahsildar, Bichkunda, Nizamabad District.
- 6 The Asst. Director of Mines & Geology, Nizamabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus to declaring the action of the respondents in not permitting the petitioners for de-casting of sand in patta land over an extent of Ac.4.00 guntas in Sy.No.152/26A, 152/26/AA, 152/26AA1, 152/26E of Husgul village, Bichkunda Mandal, Nizamabad district as per the permission given by the 1st Respondent vide its Memo No.7158/M.I(1)/2014-1, dt.12.09.2014, is not legal and valid and consequently direct the respondents to permit the petitioners for de-casting of sand in their patta lands over an extent of Ac.4.00 guntas in Sy.No.152/26A, 152/26/AA, 152/26AA1, 152/26E of Husgul village, Bichkunda Mandal, Nizamabad district.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of M/s. Pulipati Radhika, Advocate for the Petitioners and the learned Assistant Government Pleader for Revenue (TG) appearing for Respondents 2 to 5, the Court made the following

ORDER:

Learned Assistant Government Pleader for Revenue appearing for respondents 2 to 5 on instructions states that now the petitioners were granted permission by the Government for de-casting of sand and the relevant sketch map of the area allotted to the petitioners is being verified by the Collector.

It is difficult to accept the said contention, as the Government itself granted permission to the petitioners under Ex.P1, dated 12.09.2014 and it is presumed that at that time the process of de-casting of sand including

verification of the land was followed.

Respondents 1 to 5 as well as respondent No.6 shall therefore forthwith act in pursuance of the permission granted by the Government under Ex.P1, referred to above, so as to enable the petitioners to de-cast the sand as permitted under the aforesaid proceedings.

Contd...2/P

Post after Summer Vacation, 2015 for filing counter.

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Industries and Commerce (Mines-I)
Department, State of Telangana, Secretariat, Hyderabad.
- 2 The District Collector, Nizamabad District.
- 3 The Joint Collector, Nizamabad District.
- 4 The Revenue Divisional Officer, Bodhan, Nizamabad District.
- 5 The Tahsildar, Bichkunda, Nizamabad District.
- 6 The Asst. Director of Mines & Geology, Nizamabad.
(Addressees 1 to 6 BY RPAD)
- 7 One CC to M/s. Pulipati Radhika, Advocate (OPUC)
- 8 Two CCs to the G.P. for Revenue (Telangana), High Court, Hyderabad.
(OUT)
- 9 Two CCs to the G.P. for Mines & Geology (Telangana), High Court,
Hyderabad. (OUT)
- 10 One spare copy.

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HIGH COURT

VVA,J

DATED: 28-4-2015

**NOTE: Post after Summer Vacation, 2015
For filing counter**

ORDER

W.P.NO. 10484 OF 2015

DIRECTION

HIGH COURT

Nnr

Date of Drafting : 29-04-2015

VVA,J

DATED: 28-4-2015

**NOTE: Post after Summer Vacation, 2015
For filing counter**

ORDER

W.P.NO. 10484 OF 2015

DIRECTION