

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.43545 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a writ, order or direction more particularly one in the nature of *WRIT OF MANDAMUS* declaring the inaction on the part of respondents on the petitioner's representation dated 27.10.2017 submitted to prevent illegal sand mining and excavation by using Dredging and Mechanized boats and JCB machines being undertaken by unruly sand mafia which is prohibited in Gutala Ramp point in between KM 33.200 to 33.600 situated in Gutala Revenue Village in Polavaram Mandal of West Godavari District, as illegal, irregular, irrational, violative of provisions of Mines and Minerals [Development and Regulation] Act, 1957 and rules framed there under; Andhra Pradesh Water Land and Trees Act; Free Sand Policy 2016 introduced by Government of Andhra Pradesh and offends Articles 14 and 21 of Constitution of India and consequently direct the respondents to prevent the said illegal sand mining and excavation being undertaken by sand mafia by using JCB, Proclains, Dredging and Mechanized boats at Gutala Sand Ram Point situated in Gutala Revenue Village in Polavaram Mandal of West Godavari District and pass other orders or order as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner, learned Government Pleader for Mines and Geology appearing for respondents 1 to 3 and learned Government Pleader for Home appearing for respondents 4 and 5. Perused the material record.

3. Learned counsel for the petitioner would submit that if a direction is given to the respondents to consider and dispose of the representation, dated 27.10.2017, of the petitioner, the ends of justice would be met.

4. Learned Government Pleader for Mines and Geology brings to the notice of this Court the endorsement of the Tahsildar, Polavaram, dated 30.09.2017, which is filed along with the material papers, and submits that action has already been initiated by taking necessary steps and therefore, the grievance of the petitioner is being attended to.

5. However, learned counsel for the petitioner would submit that the action, which is stated in the said endorsement, dated 30.09.2017, relates

to an earlier action and that thereafter also, illegal activities are taking place without any legal sanctions.

6. Learned Government Pleader for Mines and Geology, on written instructions, would submit that when the petitioner filed a representation before the Irrigation Department, the officials of the Irrigation Department have inspected the Gutala Reach in night times and found that some of the persons are doing dredging of sand in the night times and that the officials of the Vigilance and Enforcement Department along with the officials of the Revenue Department, local police and the officials of the Mines Department have together raided the area, caught hold of the persons involved in illegal dredging, seized the dredging machine and filed criminal cases against the persons, who indulged in such illegal activities and, therefore, the officers concerned have already acted upon the representation of the petitioner and hence, no further orders need be granted to the petitioner.

7. Recording the submissions, the writ petition is disposed of directing the respondents to continue to keep a constant vigil on the activities being done at Gutala Reach to prevent recurrence of such illegal activities in future.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 02.01.2018
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