

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.45174 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a writ or writs or order or orders one more particularly in the nature of Writ of Mandamus to declare the inaction of the 2nd to 7th Respondents in not stopping the 8th Respondent from operating stone crusher and seizing stone crusher machinery illegally in Survey No.723 of Nallapadu Village, Guntur Rural Mandal, Guntur District in pursuance of Petitioners representations dated 6th, 9th, 16th, 23rd, 30th/10/2017 and 25/9/2017 as illegal, arbitrary, unconstitutional and consequently direct the 2nd to 7th Respondents to stop stone crushing operations and seize the stone crushing machinery of the 8th Respondent in Survey No.723 of Nallapadu Village, Guntur Rural Mandal, Guntur District and take appropriate action against the 8th Respondent in pursuance of the Petitioners representations dated 6th, 9th, 16th, 23rd, 30th/10/2017 and 25/9/2017 and be pleased to pass such other order or orders as this Hon'ble Court may deem fit and proper and facts and circumstances of the case and in the interest of justice.”

2. I have heard the submissions of learned counsel for the petitioners and of learned Government Pleader for Revenue appearing for respondents 1 to 4, learned Government Pleader for Mines and Geology appearing for respondents 5 and 7 and learned Standing Counsel for Pollution Control Board appearing for respondent No.6. I have perused the material record.

3. In this writ petition, the grievance of the petitioners is that the 8th respondent, who is granted lease to quarry road metal in the land admeasuring Ac.4.94 cents in Survey No.111/P of Chinapalakaluru Village, Guntur Rural Mandal, Guntur District, is unauthorisidely using stone crusher by establishing the same in Survey No.723 of Nallapadu Village, Guntur Rural Mandal, Guntur District.

4. At the hearing, learned counsel for the petitioners would submit that if a direction is given to respondents 2 to 7 to consider and dispose of the representation, dated 30.10.2017, of the

petitioners in strict accordance with procedure established by law, the ends of justice would be met and the grievance of the petitioners would stand redressed.

5. Learned Government Pleader for Mines and Geology, on instructions, would submit that the 8th respondent has been granted a Mineral Dealer License for processing, storing, selling and trading of road metal in Survey No.111/P, Chinnapalakaluru Village, and that the 8th respondent was also granted permission for erection of stone crushing unit within the leased area in Survey No.111/P.

6. However, the grievance of the petitioners is that the 8th respondent is using the stone crusher illegally by establishing the same in Survey No.723 of Nallapadu Village, Guntur Rural Mandal.

7. In that view of the matter, the writ petition is disposed of directing the fifth respondent to consider and dispose of the representation, dated 30.10.2017, of the petitioners, in strict accordance with procedure established by law, within four weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioners within a week thereafter.

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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