

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.45330 of 2017

ORDER:

This writ petition is filed challenging the action of the respondent authorities in not stopping the illegal excavation of sand in Survey No.320 of South Valluru Village, Thotavalluru Mandal, Krishna District, and their further action in entertaining the applications for excavation of sand or earth from the lands in Survey No.321 of the same village. The petitioners, *inter alia*, plead that the petitioners are farmers having lands in R.S.No.321/1 of South Valluru Village, Thotavalluru Mandal, Baddirajupalem Grampanchayat, and that all the lands of the petitioners are under cultivation since generations.

2. Heard learned counsel for the petitioners and learned Government Pleader for Mines and Geology appearing for respondents 1 to 6. Perused material record.

3. Learned counsel for the petitioner fairly submits that *vide* proceedings No.1983/T.P.No.92/2017-18, dated 10.10.2017, permissions are accorded for excavation of earth in Survey No.320, which is adjacent to the lands of the petitioners in Survey No.321/1 of Southvalluru Village, Thotavalluru Mandal, Krishna District, and that the apprehension of the petitioners is that, in future, permissions may be granted for excavation of earth in Survey No.321 also and therefore, the writ petition is filed. He further submits that the petitioners have no objection if excavation of earth is carried out in Survey No.320, as per the aforestated proceedings, dated 10.10.2017. He finally requests that this writ petition may be disposed of directing the respondent authorities to issue a notice to the petitioners by making available all the relevant records along with the notice, in case any applications are entertained for issuing permissions for excavation of sand/earth in the lands covered by Survey No.321/1 and also in Krishna River adjacent to South Vallur Village and receive and consider the objections of the petitioners before any such applications for permission of excavation of sand/earth are considered.

4. Learned Government Pleader appearing for respondents 1 to 6, on instructions, would submit that insofar as Survey No.320 of South Valluru Village is concerned, after obtaining consent of the pattadars and receiving NOCs from the concerned officials and after following the procedure only, permission was accorded for excavation of ordinary earth in Survey No.320, by leaving buffer to adjacent patta lands and roads etc., and therefore, the writ petition is not maintainable and that the allegations made in the writ petition that sand is excavated from their adjacent patta lands is not correct.

5. Having regard to the facts and submissions, the writ petition is disposed of directing the respondent authorities to issue notices to the petitioners by making available copies of the relevant records along with notices; in the event any applications for permission for excavation of ordinary earth/sand in the lands covered by Survey No.321/1 and also in Krishna River adjacent to South Vallur Village are received for consideration, the respondents shall receive and consider the objections of the petitioners before such applications for any permissions in that regard are disposed of in accordance with procedure established by law.

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: 03.01.2018

Note: Issue CC in two days

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