

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 1769 OF 2019**

**O R D E R:**

The complaint of the petitioners is that the 6<sup>th</sup> respondent, who was granted lease for quarrying gravel in Survey Nos. 157 and 158 situated at Chintagattu Village, Hasanparthy Mandal, Warangal District is, in fact, encroaching into Survey No. 120 and excavating gravel day and night. The petitioners assert that they had made a complaint on 17.01.2019 to the Assistant director of Mines and Geology, Warangal.

While issuing notice to the respondents, learned Government Pleader for Mines & Geology was directed to secure instructions. Today, the learned Government Pleader has placed on record the written instructions received from the Assistant Director of Mines & Geology, Warangal Urban admitting receipt of complaint from the petitioners. He states that the Royalty Inspector inspected the leased area on 25.01.2019 and submitted a report. It is further asserted that as on date, due to water logging, no excavation is being done.

Heard learned counsel for the petitioners.

Having considered the respective submissions, unless a joint survey is conducted, it may not be possible for this Court to express any opinion whether there is any encroachment into the petitioners' land. Since it is the duty of the Mining Department to earmark the area which was leased out in favour of the 6<sup>th</sup> respondent and since there is a complaint by the

petitioners that in the guise of the licence granted in favour of the 6<sup>th</sup> respondent, the latter is encroaching into their lands, interests of justice would be served if the complaint of the petitioners is directed to be considered by the Additional Director of Mines and Geology and take necessary action thereon.

The Writ Petition is therefore, disposed of with a direction to the 2<sup>nd</sup> respondent Additional Director to consider the complaint of the petitioners and take necessary steps by conducting survey, if necessary. The entire exercise be completed within four weeks from today. No costs.

The miscellaneous Applications, if any pending in this Writ Petition shall also stand disposed of.

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**CHALLA KODANDA RAM, J**

06<sup>th</sup> February 2019

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