

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.6035 of 2019

ORDER

This writ petition is filed seeking to declare the action of the respondents in not taking steps to stop the illegal and unauthorized extraction of sand from Murredu Vagu of Seetharampuram Village, Mulakalapally Mandal, Bhadradri Kothagudem District, in spite of the written complaints dated 26.02.2019 and 18.03.2019 made by the petitioners, as illegal and arbitrary.

2. The grievance of the petitioners is that illegal sand quarrying operations have been done by the unauthorized persons in Murredu Vagu of Seetharampuram Village, Mulakalapally Mandal, Bhadradri Kothagudem District, where there is no permission for extraction of sand and that though they made complaints on 26.02.2019 and 18.03.2019 followed by their personal visits, the respondents are not taking any action.

3. Learned counsel for the petitioners submits that on account of illegal sand quarrying, the petitioners are unable to cultivate their agricultural lands and are suffering irreparable loss.

4. Learned Government Pleader has placed reliance on G.O.Ms.No.9 dated 24.02.2016, wherein Rule 4 of the Telangana State Sand Mining Rules, 2015 is amended by inserting Sub-Rule (3) and submits that there is a complaint adjudicating mechanism

provided in terms of the said Rules issued in G.O.Ms.No.3 dated 08.01.2015.

5. Having regard to the respective submissions Rule 4(3) of G.O.Ms.No.9 dated 24.02.2016 contemplates that the complaint adjudicating mechanism committee comprises of the Collector and District Magistrate, Superintendent of Police of the concerned District and Deputy Director of Mines and Geology of the Region, assisted by the Enquiry Team comprises of Revenue Divisional Officer concerned, Deputy Superintendent of Police concerned and the Assistant Director of Mines and Geology, Vigilance/Assistant Director of Mines and Geology concerned wherever the Assistant Director of Mines and Geology, Vigilance Post do not exist. Further, as per Rule 4(3)(III)(a), any person/Non-Governmental Organization/party shall file complaint regarding illegal sand mining and transportation to the Collector and District Magistrate with material evidence either through online or otherwise. The procedure thereafter has been delimited with respect to dealing with such complaint.

6. In the present case, as it is the case of the petitioners that they made complaints on 26.02.2019 and 18.03.2019 to the District Collector-2nd respondent, I deem it appropriate to direct the 2nd respondent to treat the said complaints as the complaints filed before the complaint adjudicating committee in terms of G.O.Ms.No.9 dated 24.02.2016 and pass appropriate orders after

giving an opportunity of hearing to the petitioners, within seven days, as per the amended Rule 4(3)(III)(c) of the said G.O., and communicate the orders to the petitioners. It is needless to mention that as the said Rule itself prescribes for passing of a speaking order, the said committee shall strictly follow the procedure prescribed.

7. With the above direction, the Writ Petition is disposed of. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

25th March, 2019

CHALLA KODANDA RAM, J

Note:
Issue CC in three days.

sj