

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

W.P.No.25316 of 2019

ORDER:

Heard learned counsel for the petitioners and learned Government Pleaders appearing for Respondents.

2. Petitioners claim that they are the owners and in possession of respective extents of land in Chathakonda village, Lakshmidhevipally mandal, Bhadracharya-Kothagudem district. According to petitioners, first petitioner is having land to an extent of Ac.4.00 in Sy.No.83/1/A, mother of second petitioner is having land to an extent of Ac.1-09 guntas in Sy.No.76/A and third petitioner is having land to an extent of Ac.0-30 guntas and 0-32 guntas in Sy.No.75/2AA and 75/2A. It is stated that there exists a mango garden belonging to first petitioner and paddy crop belonging to petitioners 2 and 3 and they are ready for harvesting. Petitioners allege that the respondent authorities have started undertaking excavation of sand from the western bank of Murreduvaagu and petitioners learnt that they are undertaking excavation of sand upto a depth of about 30 feet and more and due to this, soil erosion is taking place causing lot of damage to the lands of petitioners. According to petitioners, without taking up necessary precautionary measures and without constructing retaining wall etc., the authorities are proceeding with unregulated excavation of sand and despite several representations made by petitioners, no action is taken. Hence this writ petition.

3. Along with the writ petition, photographs taken in respect of said area are also filed. The learned Government Pleader produced

before the Court the Joint Inspection report said to have been conducted on 25.11.2019 by the Mandal Surveyor, Laxmidevipalli mandal, Royal Inspector, office of Assistant Director of Mines and Geology and the District Ground Water Officer, Bhadradri-Kothagudem. As part of the report, the authorities have also drawn a sketch to describe the river flow, location of sand excavation and the location of petitioners land.

4. According to the said sketch, the land in Survey No.77 is 50 metres away and land of petitioners in Survey Nos.83, 76 and 75 respectively are situated in different locations. The report also discloses that petitioners 2 and 3 were also present at the time of joint inspection and they have shown their patta lands located adjacent to Murредu Vaagu and the Village Revenue Officer has shown petitioners patta land on the ground with reference to village map and revenue records.

5. The report also discloses that excavation of sand was going on under Sand Taxi Policy (Mana Isuka Vahanam) only after obtaining clearances from the District Ground Water Officer, Bhadradri-Kothagudem, Tahsildar, Laxmidevipalli mandal and Mines and Geology Department exclusively for local need purpose only. The report further discloses that the petitioners' patta land and sand excavation is not happening within 15 metres or 1/5th of the width of stream bed from the bank.

6. Therefore, in view of this report, it is clear that what is urged in the affidavit filed in support of writ petition is not correct. The writ petition is devoid of merits and is liable to be dismissed and accordingly dismissed. If the petitioners are disputing the contents

of the said joint inspection report, it is open for them to challenge the same before the District Collector by filing appropriate application along with cogent material and notwithstanding the findings recorded above, the District Collector shall consider such objections, if any filed, and pass appropriate orders thereon, as per law. Pending miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date: 3.12.2019
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