

HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 46600 OF 2022

Between:

D. Narayana Rao, S/o. D. Hanumantha Rao, aged 50 Years, R/o. Flat No. 404, Feel well towers, Khaleelwadi, Nizamabad, Nizamabad District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Mines, Secretariat, Hyderabad.
2. The District Collector, Nizamabad, Nizamabad District.
3. Deputy Director, Mines and Geology, State of Telangana, Nizamabad.
4. Asst Director, Mines and Geology Nizamabad, Nizamabad District.
5. Tahsildar, Nizamabad Rural Mandal Nizamabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not finalizing the grant of temporary permit for excavation of gravel in an extent of Acres 3.00 in Sy.No. 830/217 of Sirpur Village, Mugpal Mandal, Nizamabad District as null, void, illegal, arbitrary and consequently direct the respondents to issue temporary permit for excavation and transportation of gravel to the petitioner in his patta land in Sy.No. 830/217 of Sirpur Village, Mugpal Mandal, Nizamabad District.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to dispose the application dated 13.06.2022 of the petitioner for temporary permit for gravel in patta land in Sy.No. 830/217 of Sirpur Village, Mugpal Mandal, Nizamabad District forthwith, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI K. DURGA PRASAD

Counsel for Respondent Nos.1,3 & 4: GP FOR MINES & GEOLOGY

Counsel for Respondent Nos.2 & 5: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.46600 OF 2022

ORDER:

This Writ petition is filed with the following relief:

"...to issue an order, direction, writ, order or direction, more particularly on in the nature of Writ Mandamus declaring action of the respondents in not finalizing the grant of temporary permit for excavation of gravel in an extent of Ac.3.00 in Sy.No.830 of 2017 of Sirpur Village, Mugpal Mandal, Nizamabad District as null and void, illegal, arbitrary and consequently direct the respondents to issue temporary permit for excavation and transportation oration of gravel to the land of the petitioner"

2. Heard Sri K.Durga Prasad, learned Counsel for the petitioner and learned Government Pleader for Mining and Geology, appearing for respondent No.1, 3 and 4, and the Government Pleader for Revenue, appearing for the respondent Nos.2 and 5. With the consent of both parties, the Writ Petition is disposed of at the stage of admission itself. /

3. The learned Counsel for the petitioner submits that the petitioner is the owner and pattadar of agricultural land to an extent of Ac.3.00 Guntas in Sy.No.830/2017 situated at Sirpur Village, Mugpal Mandal, Nizamabad District and he was also issued with Digitalized Pattadar Pass book in respect of the said land. As there is huge quantity of gravel in the land, in order to develop the subject land, the petitioner made an application to the 4th respondent on 13.06.2022 requesting to grant temporary permit for exploration and transportation of gravel from the subject land, for a period of sixty days. Basing on the letter submitted by the petitioner, the 4th respondent addressed a letter to the 5th respondent on 15.06.2022 and directed to send a report and No-Objection Certificate along with geo-coordinates and recommendations over the subject area for grant of temporary permit. However, even after lapse of six months, the respondents-authorities did not grant

temporary permit as sought for by him, and requested to allow the writ petition.

4. The learned Assistant Government Pleaders appearing for respondents submit that the authorities will dispose of the application filed by the petitioner in due course.

5. In view of the submissions made by both the sides, this writ petition is disposed of directing the respondent-authorities to dispose of the representation filed by the petitioner on 13.06.2022 within two (2) weeks from the date of receipt of copy of this order.

6. Pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Sd/- MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Mines, Secretariat, State of Telangana, Hyderabad.
2. The District Collector, Nizamabad, Nizamabad District.
3. The Deputy Director, Mines and Geology, State of Telangana, Nizamabad.
4. The Asst Director, Mines and Geology Nizamabad, Nizamabad District.
5. The Tahsildar, Nizamabad Rural Mandal, Nizamabad.
6. One CC to SRI K DURGA PRASAD Advocate [OPUC]
7. Two CCs to the GP for Mines & Geology, High Court for the State of Telangana. [OUT]
8. Two CCs to the GP for Revenue, High Court for the State of Telangana [OUT]
9. Two C.D. Copies.

MRC

HIGH COURT

DATED:30/12/2022

CC TODAY

ORDER

WP.No.46600 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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MA
2/1/23