

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE  
AND  
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY**

**WRIT PETITION No. 12914 of 2007**

Between:

S. Laxmidevamma

... Petitioner

AND

The District Level Committee (Sand Auctions),  
Mahaboobnagar, Mahaboobnagar District  
And five years.

... Respondents

**: ORDER :**

Counsel for the petitioner : Shri S. Nageswara Reddy

Counsel for respondent Nos.3&4: Government Pleader for Mines  
and Geology

Counsel for respondent Nos.1,2,5&6: None

**Dated: 28<sup>th</sup> September, 2007**

**Per G.S. SINGHVI, CJ.**

The petitioner, who is holding the post of Sarpanch of Raghupathipeta Gram Panchayat, Kalvakurthi Mandal, Mahabubnagar District, has filed this petition as a piece of public interest litigation for quashing the tender-cum-auction notice dated 11.06.2007 issued by Deputy Director, Mines and Geology Department, Mahabubnagar for auction of sand reach at Raghupathipeta on the ground of lack of consultation with the Groundwater Department.

In paragraphs 6, 8, 9 and 10 of the counter-affidavit filed by him, Dr.P. Prasad, Assistant Director, Groundwater Department has averred as under:

6. It is further submitted that the meeting was held by the District Level Committee on sand on 28.04.2007. This respondent has attended and informed the Committee stating that the 10 reaches have been identified with an intention to meet the sand requirements of various Governments Engineering Departments for execution of ongoing projects in the District and cautioned that auction without any restrictions may lead to indiscriminate quarrying of sand which is against the Walta, 2002. The minutes of the meeting are herewith filed for perusal of the Hon'ble Court.

8. It is further submitted that the 3<sup>rd</sup> District Sand Committee meeting was held on 7.6.2007. During the meeting, the Deputy Director, Groundwater Department reiterated that sand reaches were cleared to cater the needs of the District for upcoming Government works and not for sale or commercial use/trade. This was not incorporated in the minutes of the meeting held on 7.6.2007. Therefore, the same was informed to the Joint Collector and Chairman, District Committee on sand vide this office letter No.1763/Tech07 dated 15.6.2007 and the Director, Groundwater Department before the date of auction of the sand.

9. It is further submitted that with regard to fixation of boundaries of the identified sand reaches, an opinion was expressed in the joint inspection report, stating that if it is approved for mining by the higher authorities, the

boundaries have to be demarcated by the concerned authority prior to the auctioning of the sand deposit for Government works. Further, it is submitted that the office of the Deputy Director has not given clearance for the auctioning of sand deposit.

10. It is submitted that the department will take utmost care while recommending for sand quarry without jeopardizing the interest of already existing groundwater extraction structures both irrigation and drinking in accordance with the provisions contained in the Act-2002 and rules made thereunder.

In a separate affidavit filed by him, Shri H. Tilak Raj, Assistant Director, Mines and Geology, Mahabubnagar has averred that in view of the clarification given by the Deputy Director, Groundwater Department, all further proceedings in respect of sand reach of Raghupathipeta Village have been dropped.

Learned counsel for the petitioner says that in view of the counter-affidavit filed on behalf of Assistant Director, Mines and Geology, the writ petition has become infructuous and the same may be disposed of as such. Ordered accordingly.

As a sequel to disposal of the writ petition as infructuous, WPMP.No.16130 of 2007 filed by the petitioner for interim relief is also disposed of as infructuous.

**G.S. SINGHVI, CJ.**

September 28, 2007

**C.V. NAGARJUNA REDDY, J.**

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