

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 12072/2023

(Arising out of impugned final judgment and order dated 18-05-2023 in WP No. 13459/2023 passed by the High Court for the State of Telangana At Hyderabad)

GADEELA RAGHUVeer REDDY

Petitioner(s)

VERSUS

THE VICE-CHAIRMAN AND MANAGING DIRECTOR & ORS.

Respondent(s)

(IA No.114178/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 18576-18581/2023 (XII-A)

(FOR ADMISSION and I.R. and IA No.154805/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 28-08-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Vinay P Tripathi, Adv.
Mr. B. Shravanth Shanker, AOR
Mr. B. Yeshwanth Raj, Adv.
Ms. Prerna Robin, Adv.

For Respondent(s) Mr. A. Sanjeev Kumar, Spl. Gp, Adv.
Mr. P. Mohith Rao, Adv.
Ms. Tatini Basu, AOR
Ms. Nitipriya Kar, Adv.

Mr. Y Srinivasa Murthy, Sr. Adv.
Mr. Sridhar Potaraju, Adv.
Ms. Sindoor Vnl, AOR
Mr. Aayush, Adv.
Mr. Rajat Srivastava, Adv.
Ms. Twinkle Rathi, Adv.
Mr. KV Pawan Kumar, Adv.

Ms. Simran Gupta, Adv.

For Applicant

Mr. Sravan Kumar, AOR
Mr. P. Santhosh Kumar, Adv.
Ms. Medha Singh, adv.
Mr. Akshay Mann, Adv.
Mr. D. Venkataiah, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application for impleadment is allowed.

Heard learned counsel for the petitioner as also learned senior counsel for the respondents and perused the petition papers.

Though contentions with regard to the nature of excavation of sand is being made is urged contending that it is for de-silting purpose and not for commercial purpose, that exactly is the issue which is before the National Green Tribunal, Southern Zone, Chennai (NGT) which requires consideration. Hence, for the present we see no reason to advert to that aspect of the matter. In that background, all that we note, is that in the proceedings initiated by the petitioners herein before the NGT, the NGT had granted interim order restraining the respondents herein from carrying on with the excavation of sand.

The respondents were before the High Court assailing the said interim order passed by the NGT on the contention that the same is being done for de-siltation purpose. The High Court has granted a stay of the interim order passed by the NGT. It is in that light, the petitioner is before this Court and this Court has stayed the order passed by the High Court on 13.06.2023 and continued thereafter.

In a matter of the present nature, considering that both the parties are now before the NGT, the appropriate course would be to request the NGT to consider and dispose of the matter based on the contentions put forth on merits.

Needless to mention, at this stage, if NGT finds that it is unable to dispose of the main matter itself, on hearing both the sides, appropriate interim arrangement/interim order could also be made with appropriate consideration in that regard.

However, if the main matter is being disposed of, the same be done as expeditiously as possible and as already indicated, if the same cannot be done, the consideration or otherwise of the interim order shall be done at the earliest keeping in view the fact that if the excavation is actually for the purpose of de-siltation, any delay would affect the larger public interest. Therefore, the matter be considered in that circumstance.

With the above observations, the special leave petitions stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR