

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.29289 OF 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“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 processing the petitioner's application for grant of quarry lease for colour granite over an extent of 2.810 hectares in Sy.No.15 of Gesikapalli Village, Santhipuram Mandal, Chittoor District is arbitrary, illegal, unjust, unconstitutional and violative of Articles 14 and 19 of the Constitution of India and also contrary to the Mines and Minerals (Development & Regulation) Act, 1957 and A.P.Minor Mineral Concession Rules, 1966 and consequently direct the respondents to process the petitioner's application for grant of quarry lease for colour granite over an extent of 2.810 hectares in Sy.No.15 of Gesikapalli Village, Santhipuram Mandal, Chittoor District forthwith and pass such other order or orders.”

2. Heard Sri P.Narasimhulu, learned counsel appearing for the petitioner and learned Government Pleaders for Mines and Geology and Revenue appearing for the respondents.

3. According to the petitioner, he has submitted an application dated 05.04.2013 for grant of quarry lease for Colour Granite in respect of an extent of 2.810 hectares in Sy.No.15 of Gesikapalli Village, Santhipuram Mandal, Chittoor District and the 3rd respondent – Assistant Director of Mines and Geology, acknowledged the same. It is further stated that along with the application petitioner herein enclosed the affidavit and demand draft also and the 3rd respondent – Assistant Director of Mines and Geology forwarded the same to Revenue authorities for conducting joint survey and inspection and to submit a report regarding classification and availability of the area so as to submit a final report to the Director of Mines and Geology. The grievance of the petitioner herein in the present writ petition precisely is inaction on the part of the

respondent authorities in passing any orders on the said application submitted by the petitioner herein for grant of quarry lease. It is also stated in the affidavit filed in support of the writ petition that the 3rd respondent informed the petitioner that he addressed letters to the respondents 4 and 5 for conducting survey and inspection over the land and there is no response.

4. The material available before this court manifestly discloses that even though the application of the petitioner for grant of quarry lease for Colour Granite was submitted way back in the month of April, 2013, the respondents, being statutory authorities, have not processed the application so far. Having received the application along with the requisite fee and enclosures, there is absolutely no justification on the part of the respondents in not taking further action on the quarry lease application submitted by the petitioner herein.

5. Taking into consideration the totality of the circumstances and having regard the nature of controversy, this court is of the considered opinion that the interest of justice would be met, if a direction is issued to the respondents herein to process the application of the petitioner and pass appropriate orders on the quarry lease application dated 05.04.2013 submitted by the petitioner herein for grant of quarry lease by fixing some time frame.

6. For the aforesaid reasons, writ petition is disposed of, directing the respondents herein to process the application of the petitioner herein dated 05.04.2013 for grant of quarry lease for Colour Granite in respect of an extent of 2.810 hectares in Sy.No.15 of Gesikapalli Village, Santhipuram Mandal, Chittoor District and pass appropriate orders within a period of three months from the date of receipt of copy of this order.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

29th September, 2015

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