

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.22847 OF 2010

Between:

Bollineni Ramnakrishna

.. Petitioner

and

The Government of Andhra Pradesh

Represented by the Secretary,

Industries and Commerce Department,

Secretariat, Hyderabad, and others. .. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 13th OCTOBER, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.22847 OF 2010

ORDER

The grievance of the petitioner in this case was that the mining authorities were not granting a quarry lease for black granite pursuant to his application dated 09.07.2009 in respect of the land measuring Ac.2-47 cents in Sy.No.123 of Gurijepally Village, Santhamaguluru Mandal, Prakasam District.

The case has a long and chequered history. It appears that the fourth respondent and the petitioner are vying for a quarry lease in respect of the same or a part of the same land. Earlier, the fourth respondent filed W.P.No.10233 of 2010 before this Court assailing the rejection of its application for granting a quarry lease over an extent of Ac.3-75 cents in Sy.No.123 and 121/2 of Gurijapalli Village, Santhamanguluru Mandal, Prakasam District. By order dated 29.04.2010, this Court

took note of the fact that the petitioner therein had a right of revision under Rule 35-A of the Andhra Pradesh Minor Mineral Concession Rules, 1966, and accordingly disposed of the writ petition permitting it to file a Revision. The mining authorities were directed not to grant a lease in favour of any one, including the seventh respondent therein, the petitioner in the present case, for a period of two weeks.

The fourth respondent then filed W.P.No.12905 of 2010 assailing the action of the mining authorities in not disposing of its Revision dated 06.05.2010. The said revision was purported to have been filed against the rejection proceedings dated 16.04.2010. By order dated 09.06.2010, this Court disposed of the writ petition directing the Revisionary Authority to consider the stay application filed along with the revision petition within a period of four weeks from the date of receipt of a copy of the said order. Till the disposal of the stay application, the mining authorities were directed not to grant a lease in favour of any one in respect of the area covered by the revision petition.

Review WPMP No.31033 of 2010 was filed in W.P.No.12905 of 2010 by the seventh respondent therein, the petitioner in the present writ petition, alleging that the Revisionary Authority had not passed any order on the purported stay application filed in the revision petition said to have been filed against the rejection proceedings dated 16.04.2010. It was also brought to the notice of this Court that the review petitioner had filed W.P.No.22847 of 2010, the present writ petition, seeking appropriate directions to the mining authorities to dispose of his application. The review petition was accordingly dismissed by order dated 21.11.2011 leaving it open to the review petitioner, the writ petition herein, to espouse his case in the present writ petition by seeking appropriate directions to the authorities.

As the main controversy in this case centered around whether or not the fourth respondent had filed a revision petition before the Government, the learned Assistant Government Pleader for Mines and Geology was asked to verify this aspect and report. Today, the learned Assistant Government Pleader placed before the Court a copy of the Memo dated 05.10.2015 issued by the Secretary to Government, Industries and Commerce (M.I) Department, Government of Andhra Pradesh, stating that the revision filed by the fourth respondent against the proceedings dated 16.04.2010 was pending before the Revisionary Authority, the Honourable Minister for Mines and Geology.

Though Sri B.Vijaysen Reddy, learned counsel for the petitioner, would contend that the revision filed by the fourth respondent is not in accordance with law and therefore cannot be treated as a revision at all, it is not for this Court to voice any opinion on this aspect at this stage. As the revision is pending before the Revisionary Authority, it shall be open to the writ petitioner who is stated to be a party thereto to raise all issues before such authority, including the primary issue as to whether the revision has been filed in accordance with law. As this Court has already fixed a time frame with regard to disposal of the stay application filed along with the revision and as the time stipulation could not be honoured due to the Revisionary Authority being unable to locate the revision and as the said reason no longer survives, the time stipulation can now be adhered to in the event the revision petition is found to have been filed in accordance with due procedure.

The writ petition is therefore disposed of reiterating the earlier directions of this Court that the Revisionary Authority shall pass appropriate reasoned orders in accordance with law upon the stay application filed along with the revision petition or dispose of the revision petition itself, as deemed fit and appropriate, within four weeks from the date of receipt of a copy of this order, after giving due opportunity of hearing to all parties concerned. Pending this exercise, the mining authorities shall not grant a quarry lease in respect of the land which is the subject matter of the said revision. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

13th OCTOBER, 2015

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