

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7996 OF 2012

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DATED: 23.06.2015

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Between:

A. Sivarami Reddy

.. Petitioner

And

The Principal Secretary to Government,
Government of Andhra Pradesh,
Industries & Commerce Department,
and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7996 of 2012

ORDER:

The petitioner seeks a direction to the mining authorities of the State of Andhra Pradesh to grant him a sand lease for a period of two years from the date of execution of the lease deed and to allow him to complete the two-year period of sand quarrying in accordance with law.

The petitioner applied for grant of sand quarrying rights pursuant to a tender notification dated 27.07.2010. The two-year lease offered under this notification was to come to an end on 31.03.2012. It appears that the petitioner filed a revision before the Government of Andhra Pradesh in relation to the grant of the sand quarrying lease and the revision was ultimately disposed of under memo dated 16.02.2012 permitting the petitioner to operate the quarry lease by condoning the delay. Pursuant to the revisionary order, the Assistant Director of Mines and Geology, Kadapa, YSR District, addressed letter

dated 14.03.2012 to the petitioner calling upon him to comply with the formalities including the payment of requisite amounts so as to execute the lease deed in his favour. As the lease offered to the petitioner was to expire on 31.03.2012, he approached this Court asking for the relief afore-stated.

However, extension of the lease period under Rules 9-K and 9-L of the Andhra Pradesh Mineral Concession Rules, 1966, fell for consideration before a Division Bench of this Court in **M.V. Siva Prasad v. Government of Andhra Pradesh**^[1] and it was held that irrespective of the nature of a claim for extension of lease, be it for a valid reason or otherwise, Rule 9-L prohibits the competent authority from granting extension of lease under any circumstances.

In that view of the matter, the petitioner would not be entitled to the relief claimed in this writ petition.

Sri Chetluru Sreenivas, learned counsel for the petitioner, would however contend that certain payments were made to the State pursuant to the tender notification dated 27.07.2010 and that the petitioner would be entitled to refund of the same as he has not been granted any benefit notwithstanding the revisionary order.

This aspect of the matter falls beyond the scope of this writ petition. It shall however be open to the petitioner to apply to the mining authorities for appropriate relief and take recourse to law in the event his application is not acted upon.

Subject to the above liberty, the writ petition is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

23rd June, 2015
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^[1] 2010 (2) ALD 288 (DB)