

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.18361 of 2011

ORDER:

The petitioner was granted a quarry lease in respect of road metal over an extent of Acs.3.80 cents in Survey No.120 of Velupodu Village, Dagadarthi Mandal, S.P.S.R. Nellore District, for a period of 10 years from 07.07.2006 to 06.07.2016. This lease was granted after following the due procedure which included issuance of a 'No Objection Certificate' by the Tahsildar of Dagadarthi Mandal, under proceedings dated Nil-04-2006. While the petitioner was operating the said quarry lease without any hindrance, it appears that the Collector, S.P.S.R.Nellore District, issued proceedings dated 20.05.2011 dealing with some other case and incidentally requesting that action may also be taken for cancellation of the quarry lease granted to the petitioner. Aggrieved by this action, the petitioner filed the present case.

By order dated 01.07.2011, this Court granted interim stay of all further proceedings pursuant to the impugned proceedings dated 20.05.2011.

The District Collector, S.P.S.R. Nellore District, filed a counter-affidavit stating that Survey No.120 of Velupodu Village, Dagadarthi Mandal, admeasured Acs.341.00 cents and was classified as a Kondaporamboke. She also admitted grant of the quarry lease in favour of the petitioner. It appears that M/s.Simhapuri Expressway Limited, Nellore, was also granted a quarry lease in relation to Acs.30.00 cents of land in the same survey number, but the villagers objected when the said company tried to commence quarrying operations. It was also stated that the Sarpanch of Velupodu Gram Panchayat raised an objection with regard to the grant of quarry leases in Survey No.120 of Velupodu Village, on the ground that it would deprive their animals of grazing lands. It appears that this objection was raised long after the grant of the lease in favour of the petitioner. It was in these circumstances that the District Collector issued the

impugned proceedings recommending cancellation of the lease of M/s. Simhapuri Expressway Limited, Nellore, and incidentally including the case of the petitioner also for such cancellation.

No justification whatsoever is forthcoming from either the counter filed by the District Collector, S.P.S.R. Nellore District, or the counter filed by the mining authorities as to why the petitioner's quarry lease warranted cancellation. It is an admitted fact that the said lease was granted after following the due procedure and there is no allegation that the petitioner violated any conditions of the quarry lease or the relevant laws. It appears that the case of the petitioner was recommended for cancellation only as a means of justifying the proposed cancellation of the lease of M/s. Simhapuri Expressway Limited, Nellore.

Insofar as the complaint of the Sarpanch is concerned, it is an admitted fact that the land in the survey number is a vast extent of over Acs.300.00 cents and the lease granted to the petitioner is over a meagre extent of Acs.3.80 cents. Therefore, there is no basis to infer that the grant of the lease in favour of the petitioner would have any adverse effect upon the availability of grazing lands in the village. The same cannot therefore be sustained in law. The impugned proceedings are accordingly set aside insofar as they pertain to the petitioner's lease.

The writ petition is accordingly allowed.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:25.08.2015

GJ