

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

MONDAY THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26448 OF 2015

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Between:

Sri Abhaya Girijana Mutually Aided
Labour Contract Co-operative Society
Limited,
Karakavalasa village, Anantagiri Mandal,
Visakhapatnam
Represented by its President,
Chompi Prasad & Ors. ... Petitioners

Vs.

The State of Andhra Pradesh

Represented by its Prl.Secretary,

Tribal Welfare Department,

Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioners: Sri K.S. Murthy

Counsel for the Respondents: GP for Mines & Geology [AP]

Sri V.Subramanyam

GP for Social Welfare [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26448 OF 2015

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ORDER:

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

following relief:

“To declare the inaction on the part of the respondent authorities in granting mining lease/raising cum sale contract to the first petitioner organization for mining calcite in Ananthagiri Mandal area of Visakhapatnam district as illegal and unconstitutional and consequently to direct the respondent authorities to grant lease to the first petitioner organization for the area of 8.725 hectares in survey Nos. 29/1, 29/2, 33/5, 33/6, 34/1, 34/7 in one bit in Karakavalasa, Rallagaruvu, Nimmalapadu villages and 5.16 hectares in survey Nos.1/1, 1/2, 1/3P of Tumbarti village and survey No.29/3 to 11, 30/1-B, 2, 3 and 33/1 to 4 of Karakavalasa, Rallagaruvu, Nimmalapadu villages of Ananthagiri Mandal of Visakhapatnam district in another bit for mining calcite, transport and sell the same in the form of lease or raising cum sale contract and to pass such other suitable orders as this court deems fit and proper in the circumstances of the case.”

2. Heard Sri K.S. Murthy, learned counsel for the petitioners, learned Government for Mines and Geology for respondents 1 to 3, Sri V.Subramanyam, standing counsel for the fourth respondent and learned Government Pleader for social welfare for fifth respondent.

3. A counter-affidavit is filed by the fourth respondent and paragraph No.3 of the counter affidavit reads as under:

“I submit that the respondent corporation is holding a renewal of mining lease for calcite over an extent of Hectares 8.725 in Nimmalapadu village of Ananthagiri Mandal, Visakhapatnam district, in survey Nos. 29/1 and 2, 33/5 and 6, 34/1-7 vide Government Orders in G.O.Ms.No. 60, Industries and Commerce Department, dated 31/07/2015, Government of Andhra Pradesh. At present, this respondent corporation has not taken any decision to give the subject land on lease to anyone. As and when this respondent corporation takes a decision to give the subject land on lease, this respondent corporation would consider the case of the writ petitioners along with others as per the Governmental orders in vogue and also as per law. The writ petitioners have no exclusive right to demand the respondent corporation to give the subject land on lease to them exclusively. The apprehension of the writ petitioners that this respondent corporation is going to lease out the subject property to

third parties is not correct. This respondent corporation reiterates that it would consider the case of the writ petitioners along with other eligible persons as and when it takes a decision to give the subject land on lease.”

3. During the course of hearing, it is submitted by the learned counsel for petitioner that for redressal of grievance of the petitioners, the petitioners submitted a representation dated 10/12/2014 to the fourth respondent herein and the learned counsel has requested that the same may be directed to be considered and appropriate orders be passed by fixing some time frame.

4. In view of the above submission, the writ petition stands disposed of, directing the fourth respondent to take appropriation action on the representation dated 10/12/2014 said to have been submitted by the petitioners herein in accordance with law within a period of two months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

05/10/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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