

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.34408 of 2015

ORDER:

The grievance of the petitioner is that the Assistant Director of Mines and Geology, Visakhapatnam, the third respondent, failed to execute a lease deed for the unexpired period of the sanctioned lease, which is valid up to 17.04.2023, in relation to mining of road metal, building stone and gravel in 10.12 hectares in Sy.No.75 of Jerripothulapalem Village, Pendurthi Mandal, Visakhapatnam District.

It is an admitted fact that the transfer of the quarry lease in favour of the petitioner was permitted by the Deputy Director of Mines and Geology, Visakhapatnam, under proceedings dated 30.06.2015.

The Assistant Director of Mines and Geology, Visakhapatnam, furnished undated written instructions to the office of the learned Government Pleader for Mines and Geology, wherein he stated that the subject lease was granted under proceedings dated 29.01.2013 for a period of ten years in favour of one Ch.Ram Mohan. Upon the request of the leaseholder for transfer of the quarry lease to the petitioner herein, proposals were submitted to the Deputy Director of Mines and Geology, Visakhapatnam, and the same was approved by the said authority under proceedings dated 30.06.2015. It is also admitted that the petitioner has complied with all necessary formalities including documentation and making requisite payment. The reason for not executing the lease deed in favour of the petitioner was stated to be the letter dated 24.07.2015 received by the mining authorities from the Regional Vigilance and Enforcement Officer, Visakhapatnam, wherein he stated that an enquiry was being conducted into the quarry lease held by Ch. Ram Mohan and requested that the transfer be kept pending during the enquiry.

The learned Assistant Government Pleader is however unable to explain to this Court as to why the execution of the transfer lease deed in favour of the petitioner has to be kept pending owing to an enquiry into the actions of the erstwhile leaseholder, Ch. Ram Mohan. In the event the vigilance enquiry requires examination of the quarry site, it is for the authorities concerned to take photographs of the situation existing as on ground for that purpose instead of stalling the transfer

proceedings in favour of the petitioner. This Court therefore finds no valid or justifiable reason for the authorities to not execute the transfer lease deed in favour of the petitioner owing to an enquiry into the actions of the erstwhile leaseholder.

The writ petition is accordingly allowed. There shall be a direction to the Assistant Director of Mines and Geology, Visakhapatnam, to complete the formalities and execute the transfer lease deed in favour of the petitioner in accordance with the rules within four weeks from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

2nd November, 2015

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