

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.10427 of 2012

ORDER:

This writ petition was filed assailing the letter dated 31.03.2012 issued by the Tahsildar, Peddemul Mandal, Ranga Reddy District, whereby the Mandal Revenue Inspector and Village Revenue Officer, Marepally Village, were directed to stop the mining operations of the petitioner in Survey No.18 of Marepally Village.

It is an admitted fact that the mining authorities granted a quarry lease to the petitioner for 'Fullers earth' over an extent of Acs.1.00 guntas in Survey No.18 of Marepally Village, for a period of ten years, under proceedings dated 30.08.2008. Before the grant of this lease, the Tahsildar, Peddemul Mandal, Ranga Reddy District, addressed letter dated 02.08.2007 to the Assistant Director, Mines and Geology, Tandur, certifying that the land admeasuring Acs.1.00 guntas in Survey No.18 of Marepally was a patta land standing in the name of the petitioner. He recommended issuance of a No Objection Certificate in respect of this land for grant of a mining lease to the petitioner for a period of ten years.

Having certified to this effect, surprisingly, the Tahsildar, Peddemul Mandal, addressed the impugned letter dated 31.03.2012 stating that the land in question was an assigned land and/* that the petitioner had contravened the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity 'the Act of 1977'), and that he was undertaking illegal mining operations in the said assigned land. It was in this context that he directed the Mandal Revenue Inspector and the Village Revenue Officer, Marepally Village, to stop the petitioner's mining operations.

By order dated 13.04.2012, this Court granted interim

suspension of the impugned letter dated 31.03.2012.

In his counter-affidavit, the Tahsildar, Peddemul Mandal, stated that the land in Survey No.18 of Marepally was a Government land and was assigned to landless poor persons. The petitioner was stated to be one of the beneficiaries. However, no details are forthcoming from the counter as to when the assignment in favour of the petitioner was made, if any. The claim of the petitioner, on the other hand, is that the subject land is his patta land.

As there is a contradiction in the stand of the Tahsildar, Peddemul Mandal, in the light of the earlier certification given by him to the effect that the land is a patta land and as the counter-affidavit filed does not disclose as to how such certification was given, this Court is not inclined to go into this issue. Admittedly, no action has been taken against the petitioner in terms of the Act of 1977 till date.

In that view of the matter, the Tahsildar, Peddemul Mandal, cannot interdict the valid mining operations undertaken by the petitioner pursuant to the grant of a quarry lease in his favour by the mining authorities of the State under the proceedings dated 30.08.2008.

The impugned letter dated 31.03.2012 is therefore bereft of any legal or factual foundation and is accordingly set aside. The writ petition is 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:07.09.2015

GJ