

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.9961 of 2014

ORDER:

The challenge in the present writ petition is to the action of the respondent authorities in not issuing transport permission for transporting mineral during the currency of the lease period.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology for the respondents herein.

3. The subject lease in respect of Gravel is in the land admeasuring 3.035 hectares in Sy.No.117 of Kausanapalli village, Agripalli Mandal, Krishna District. Earlier, by virtue of the proceedings No.1916/Q3/2010, dated 26.11.2010, the Deputy Director of Mines and Geology, Kakinada East Godavari District, determined the said lease.

4. Assailing the said orders of determination of lease passed by the Deputy Director of Mines and Geology, the petitioner herein preferred appeal under Rule 35 of the A.P. Minor Mineral Concession Rules, 1966. The State Government, by virtue of an order vide proceedings No.19401/VJD/AH/2013 dated 25.06.2013, allowed the said appeal, setting aside the orders of determination passed by the Deputy Director of Mines and Geology and directed the Assistant Director of Mines and Geology, Vijayawada to take necessary action in the matter as per Rules. The said orders passed by the State Government and the lease restored by way of the same are still intact and the same is not in controversy.

5. In the above background, now the grievance of the petitioner is non-issuance of transport permission in favour of the petitioner despite subsistence of the lease. The only explanation sought to be pressed into

service by the learned Government Pleader is that there is an objection by the revenue authorities and the proposals are pending before the Government for determination of the lease.

6. Learned counsel for the petitioner by placing reliance on Rule 20 of the A.P. Minor Mineral Concession Rules, 1966, contends that the petitioner herein is entitled for transport permits during the currency of the validly granted lease. Rule 20 of the A.P. Minor Mineral Concession Rules, 1966 reads as under:

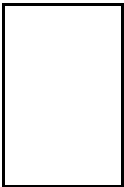
“20. Rights under a Lease:— Subject to a contract to the contrary, a quarry lease granted under the rules shall confer on the lessee, the right to quarry, carry away, sell or dispose of the minor mineral or minerals specified in the lease deed and found upon under the lands specified therein.”

7. As evident from a reading of the above provision of law, it is abundantly clear that the said rule confers a right on the lessee to quarry the mineral. It is also not the case of the respondent authorities that any action is taken affecting the subject lease. In the absence of the same, in the considered opinion of this Court, there is absolutely no justification on the part of the respondent authorities in refusing to issue transport permission during the currency of the lease period.

8. In views of the above reasons, the writ petition is allowed, directing the respondents herein to issue transport permits in favour of the petitioner in respect of the quarry lease pertaining to the land admeasuring 3.035 hectares in Sy.No.117 of Kausanapalli village, Agripalli Mandal, Krishna District, subject to compliance of the mandatory requirements by the petitioner. It is also made clear that this order will not preclude the respondent authorities from taking any action in accordance with law. As a sequel, pending miscellaneous petitions, if any, shall stand closed. No costs.

A.V.SESHA SAI, J

Date: 04.08.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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W.P.No.9961 of 2014

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Dated 04th August, 2015

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THE HON’BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.9961 of 2014

Date: 04th August, 2015

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Between:

Pasupuleti Vayunandan Rao,
S/o Appa Rao, aged about 65 years,
R/o Door No.31.04.30,
Khan Manjil Apartments, Gadde Poornamchander
Rao Street, Maruthi Nagar, Vijayawada,
Krishna District.

... Petitioner

and

The Government of Andhra Pradesh,
Represented by its Principal Secretary,
Department of Mines and Geology,
Secretariat, Hyderabad and three others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: 04th August, 2015

SUBMITTED FOR APPROVAL: 04th August, 2015

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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

1. Whether Reporters of Local Newspapers
May be allowed to see the Judgment? Yes/No
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? Yes/No
3. Whether Their Lordship wish to see the
Fair copy of the judgment? Yes/No