

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. 28797 OF 2015

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Between:

Vurigity Surya Nagamani ... Petitioner

Vs.

The Dy. Director of Mines & Geology

Govt. of Andhra Pradesh

Kakinada,

East Godavari district & Ors. ... Respondents

Counsel for the Petitioners: Sri Y.V. Satyanarayana

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

GP for Revenue [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 28797 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 direct the third respondent to intimate a date for joint survey and inspection of petitioner’s land to an extent of Ac:4-78 [1.93 hectares] in survey No. 187/3 of Anuru village, Peddapuram Mandala, East Godavari district to the second respondent and conduct a joint survey and inspection and submit a report to the District Level Screening Committee headed by the fifth respondent and consequently to direct the fifth respondent to scrutinize the report of the joint inspection team and take a decision for issue of no objection certificate to the petitioner for grant of lease for five years for quarry of gravel in Ac:4-78 cents [1.93 hectares] in survey No. 187/3 of Anuru village,

Peddapuram Mandal, East Godavari district and forward the same to the sixth respondent for taking necessary action as per G.O.Ms.No.2, Revenue [Assignment-1] Department dated 02/01/2013, while holding non-intimating of date for conduction of joint survey and inspection by the third respondent and non-submission of report is illegal, arbitrary and against Article 14, 21 and 311 (2) of Constitution of India and also as per G.O.Ms.No. 2 Revenue [Assignment-1] Department dated 02/01/2013 and to pass such other suitable orders as this court may deem fit and proper in the circumstances of the case.”

2. Heard Sri Y.V. Satyanarayana, learned counsel for the petitioner and the learned Government Pleader for Mines and Geology and the learned Government Pleader for Revenue for the respondents.

3. The grievance precisely in the present writ petition as per the pleadings in the affidavit filed in support of the petition is that despite submitting application for quarry on 26/10/2014 no action has been taken by the respondent authorities in the light of G.O.Ms.No.2, Revenue [Assignment-1] Department dated 02/01/2013.

4. When the matter is called today, written instructions furnished by the Assistant Director of Mines and Geology, Rajahmundry have been placed on record by the learned Government Pleader for Mines and Geology.

5. According to the said written instructions, after receipt of the application from the petitioner, the office of the Assistant Director of Mines and Geology addressed a letter No.7102/Q1/2014, dated 10/10/2014 to the Revenue Divisional Officer, Peddapuram duly forwarding one set of application along with enclosures, with a request to inform convenient date for the joint survey

and inspection over the area so as to submit report before the District Level Screening Committee headed by the District Collector to scrutinize the report of the joint inspection team and to take a decision on issue of no objection certificate. It is further stated in the said written instruction that the Revenue Divisional Officer, Peddapuram fixed the date as 16/9/2015 for holding joint inspection vide letter Ref.C/841/2015 dated 08/09/2015. It is also stated in the written instructions that the joint inspection was conducted on 16/9/2015 along with Revenue Divisional Officer, Peddapuram, Assistant Director of Mines and Geology, Rajahmundry, District Forest Officer, Kakinada, Assistant Director, Survey and Land Records, Kakinada and Tahsildar, Peddapuram and the reports are awaited from the Revenue Divisional Officer, Peddapuram, District Forest Officer, Kakinada and Tahsildar Peddapuram and soonafter receipt of reports the case will be placed before the District Level Screening Committee headed by the District Collector, East Godavari, Kakinada to process the quarry lease application of the petitioner.

6. On noticing the said written instructions furnished by the learned Government Pleader for Mines and Geology, it is requested by the learned counsel for the petitioner to issue necessary directions to the respondent authorities to finalise the process by fixing some time frame.

7. The learned Government Pleader has requested this court to fix some reasonable time for processing the application further to take a decision.

8. In view of the above submissions, the writ petition is disposed of, directing the respondent authorities to take appropriate action on the quarry

lease application of the petitioner herein dated 26/11/2014 pursuant to joint inspection conducted on 16/9/2015 in accordance with law, within a period of three months from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of at the stage of admission. No costs.

10. 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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