

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

Writ Petition No.20113 of 2015

ORDER:

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

“to issue a Writ or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not processing the petitioner’s application for grant of quarry lease for colour granite over an extent of 4.00 Hectares in Sy.Nos.261 & 1062 of No.54 Krishnapuram Village, V. Kota Mandal, Chittoor District as arbitrary, illegal, unjust, unconstitutional and violative of Articles 14 & 19 of the Constitution of India and also contrary to Mines & Minerals (Development & Regulation) Act, 1957 and A.P. Minor Mineral Concession Rules, 1966 and consequently direct the respondents to process the petitioner’s application for grant of quarry lease for colour granite over an extent of 4.00 Hectares in Sy.Nos.261 & 1062 of No.54 Krishnapuram Village, V. Kota Mandal, Chittoor District forthwith and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner, learned Government Pleader for Mines and Geology and learned Government Pleader for Revenue, for the respondents.

According to the petitioner, he submitted an application on 28-01-2012 to the Assistant Director of Mines and Geology, Palamaner, Chittoor District, 3rd respondent herein, for grant of quarry lease for colour granite over an extent of 4.00 Hectares in the land bearing Sy.Nos.261 and 1062 of No.54, Krishnapuram Village,

V. Kota Mandal, Chittoor District. The 3rd respondent vide letter No.427/Q/12, dated 22-02-2013 informed the petitioner herein to attend the office on 16-04-2013 with the documents mentioned therein for the purpose of proceeding for survey and inspection. According to the petitioner, he went to the office of the 3rd respondent on 16-04-2013, but he was informed that the 3rd respondent was out of station, and he was asked to come after a week. It is further stated that after a week, he approached the office of the 3rd respondent, and the 3rd respondent informed him that the surveyor and other staff were not readily available to conduct survey and inspection, and was asked to come once again in the second week of July, 2013. As per the pleadings in the writ affidavit, the petitioner approached the respondents, requesting for completion of the survey and inspection and also for submission of a report. It is also stated by the petitioner that the 3rd respondent informed him that their office addressed a letter to the respondents 4 and 5, i.e. the District Collector, Chittoor, and Tahsildar, V. Kota Mandal, respectively, for according necessary permission for holding survey and inspection over the said land. It is the grievance of the petitioner herein that despite his repeated requests, the respondents 1 to 3 are not conducting the survey and inspection and not processing his application for grant of quarry lease in his favour. With the above background and complaining the inaction on the part of the respondents herein, the present writ petition has been filed.

The material available before the Court manifestly discloses that even though the application of the petitioner for grant of quarry lease for colour granite was submitted way back in the month of

January, 2012, the respondents, being the statutory authorities, have not processed the application, so far. Having received the application along with the requisite fee and enclosures, there is absolutely no justification on the part of the respondents in not taking further action on the quarry lease application submitted by the petitioner.

Under these circumstances, this Court deems it appropriate to dispose of the writ petition with a direction to the respondents-authorities to process the application of the petitioner, and to take action in accordance with law, by fixing some time.

For the foregoing reasons, and having regard to the nature of controversy involved, the writ petition is disposed of, directing the respondents herein to process the application of the petitioner, said to have been submitted on 28-01-2012, for grant of quarry lease for colour granite, over an extent of 4.00 Hectares of land in Sy.Nos.261 and 1062 of No.54, Krishnapuram Village, V. Kota Mandal, Chittoor District, and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

The miscellaneous petitions, if any, filed in the writ petition shall also stand disposed of. There shall be no order as to costs.

A.V. SESA SAI, J.

Dt.03-07-2015.

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