

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36451 of 2015

-

07.11.2015

Between:

The Venkata Padmavathi Sand and Boat Workers

Labour Contract Cooperative Society Limited, Guntur

.. Petitioner

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Industries and Commerce (Mines) Department,

Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.N.Sreedhar Reddy

Counsel for respondent Nos.1, 2 and 5: Assistant Government Pleader

for Mines and Geology (AP)

Counsel for respondent Nos.3 and 4: Assistant Government Pleader

for Panchayat Raj (AP)

The Court made the following:

-

-

-

-

-

-

-

-

ORDER:

The petitioner, which is a sand and boat workers labour contract cooperative society, filed this writ petition feeling aggrieved by non-consideration of its representations for permission to resume sand quarrying operations in reach No.8(a) of Vykunthapuram Village, Amaravathi Mandal, Guntur District.

In pursuance of the scheme relating to the sand quarry in force at the relevant time, respondent No.5 granted quarry lease for ordinary sand in the aforesaid reach and the work order was issued to the petitioner on 09.10.2014 for the period from 11.10.2014 to 09.12.2014. After operating the quarry for some time, the petitioner surrendered the quarry lease on 26.11.2014 on the ground of ill-health of its President. The petitioner averred that after recovering from the illness, its President made representations to respondent Nos.3 and 4 for grant of permission for conducting sand quarry operations. As these representations are not being considered, the present writ petition is filed.

At the hearing, the learned Assistant Government Pleader for Mines and Geology (AP) appearing for respondent Nos.1, 2 and 5 and the learned Assistant Government Pleader for Panchayat Raj (AP) appearing for respondent Nos.3 and 4 submitted that with effect from 28.08.2014, a new sand policy has come into

existence, *vide* G.O.Ms.Nos.94 and 95, both dated 28.08.2014, and that the period for which quarry lease was granted to the petitioner also came to end by 09.12.2014. They have accordingly submitted that in view of the change of legal regime governing the sand quarries, it is not possible to restore the petitioner's sand quarry permit.

I find merit in the above submissions of the learned Assistant Government Pleaders. In the first place, having surrendered the quarry lease, unless either the policy existing at the time of grant of quarry or the quarry lease contains any clause providing for restoration of the permit surrendered by a lessee, the petitioner is not entitled to claim such restoration. At any rate, not only that the period for which the quarry lease was granted to the petitioner has expired, but also a new policy has come into effect after the quarry lease was granted to the petitioner.

In the light of the above facts, I do not find any reason to direct the respondents to consider the petitioner's representations for restoration of quarry lease.

The Writ Petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.46936 of 2015 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

07th November, 2015

GHN