

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.5410 of 2013

ORDER:

The grievance of the petitioner was that the respondent authorities were not granting transit permits in respect of the road metal quarried by it in Survey No.379/1 of Perecherla Village, Medikondur Mandal, Guntur District, pursuant to the lease granted to it by the mining authorities. The Vijayawada, Guntur, Tenali, Mangalgi Urban Development Authority, Guntur (VGTMUDA), was impleaded as the 3rd respondent in the writ petition by order dated 01.10.2015 passed in W.P.M.P.No.14248 of 2014 filed by the petitioner herein.

The petitioner – concern was granted a quarry lease for road metal over an extent of Acs.2.83 cents in Survey No.379/1 of Perecharla Village, Medikondur Mandal, Guntur District. The VGTMUDA also issued a No Objection Certificate (NOC) initially in respect of the petitioner's quarrying operations. However, owing to the judgment and decree dated 23.02.1994 passed by the learned Principal District Munsif, Sattenapalli, in O.S.No.104 of 1988, the VGTMUDA refused to grant a fresh NOC and basing upon this development, a show cause notice was issued to the petitioner by the mining authorities proposing to determine its lease. This action was questioned by the petitioner independently by way of another writ petition.

Insofar as this writ petition is concerned, the grievance of the petitioner was that the mining authorities stopped issuing despatch permits for the road metal already quarried by it pursuant to the lease prior to the refusal of the NOC and issuance of the show cause notice.

By order dated 05.06.2014, this Court directed the Assistant Director of Mines

& Geology, Guntur, to issue necessary dispatch permits for 7000 cubic metres of boulders/road metal quarried at the site.

Sri Ganta Rama Rao, learned Senior Counsel appearing for the petitioner, informed this Court that there is still some quarried material lying on the site which requires to be removed by the petitioner. He further stated that this material had been quarried prior to the refusal of the NOC by the VGTMUDA and issuance of the show cause notice by the mining authorities.

The learned Assistant Government Pleader for Mines and Geology and Smt.K.Mani Deepika, learned Standing Counsel for the VGTMUDA, confirm this aspect and state that after the issuance of the show cause notice, the petitioner did not undertake fresh quarrying operations.

In that view of the matter, as the petitioner is lawfully entitled to remove the road metal quarried by it at a point of time when it had all the required permissions, it cannot be prevented from doing so by refusing to issue despatch permits.

The writ petition is accordingly allowed directing the mining authorities concerned to issue necessary despatch permits to the petitioner to remove the road metal quarried from the site in accordance with the due procedure.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:01.10.2015

GJ