

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2309 OF 2009

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DATED: 07.09.2015

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Between:

P. Govardhan Goud

.. Petitioner

And

Government of Andhra Pradesh,
Rep. by its Secretary, Industries and Commerce
(SPIU and SAND) Department, and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2309 of 2009

ORDER:

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This writ petition was filed assailing the proceedings dated 02.01.2009 issued by the Industries and Commerce Department of the Government of Andhra Pradesh, whereby the proceedings dated 27.11.2008 of the Assistant Director of Mines and Geology, Nizamabad, were stayed. By the proceedings dated 27.11.2008, sand quarrying rights to the tune of 20,000 cubic metres were awarded to the petitioner in respect of the sand reach of Hunsia Village, Bodhan Mandal, Nizamabad District, from 24.11.2008 to 31.03.2009.

By order dated 10.02.2009, this Court granted interim suspension of the impugned memo dated 02.01.2009.

It is however stated by Sri K. Durga Prasad, learned counsel for the petitioner, that despite the suspension of the impugned memo, the petitioner was not allowed to lift the sand as per the proceedings dated 27.11.2008. He however concedes that the period covered thereunder expired on 31.03.2009. His complaint is that the petitioner paid a sum of Rs.20,00,000/-, as is recorded in the proceedings dated 27.11.2008, for the sand to be lifted but the said amount has also not been refunded.

As the period of lease covered under the proceedings dated 27.11.2008 has already expired and it is the claim of the petitioner that he was not allowed to lift the sand pursuant thereto owing to the intervention of the authorities, it shall be open to him to seek refund of the amounts paid to the State for which no benefits were given to him.

This Court is constrained to take note of the fact that the impugned memo dated 02.01.2009 is bereft of reasons and no counter-affidavit has been filed in this writ petition justifying the action taken thereunder. The impugned memo is accordingly set aside.

The writ petition is allowed to the extent indicated above. Liberty is granted to the petitioner to seek refund of the amounts paid by him to the State for which no benefits were given, in accordance with law.

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

JUSTICE SANJAY KUMAR

7th September, 2015
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