

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.18776 OF 2007

DATED 23RD JUNE, 2015

Between:

M/s. Designer Rock Pvt. Limited and others

.. Petitioners

and

The Government of Andhra Pradesh rep. by its
Secretary, Industries and Commerce Department
and others

.. Respondents

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ORDER

The grievance of the petitioners in this case was that the revenue authorities were not submitting a report on the availability and classification of the land which was the subject matter of their applications for grant of quarry leases. The petitioners applied for quarrying rights in respect of granite in an unsurveyed gap area of Pathapatnam Mandal, Srikakulam District.

The Assistant Director of Mines and Geology, Tekkali, filed a counter-affidavit furnishing the details of all applications received for grant of quarrying rights in respect of various extents of land in the subject area. Apart from the petitioners, several others seem to have submitted applications in this regard. He stated that the Tahsildar, Pathapatnam Mandal, Srikakulam District, had already issued a 'No objection Certificate' in June, 2007 in relation to one such applicant. The petitioners herein were stated to have filed seven applications prior to the applicant in respect of whom a 'No Objection Certificate' was issued. The Assistant Director further stated that the Tahsildar, Pathapatnam Mandal, had not issued any report on the applications filed by the petitioners.

The learned Assistant Government Pleader however fairly concedes that the 'No Objection Certificate' issued by the Tahsildar, Pathapatnam Mandal, would cover the entire area which is the subject matter of the various applications which were received and are pending consideration.

The Assistant Director concluded the counter by stating that a survey was to be undertaken of the area for demarcation of the forest and the revenue lands and only then, it would be possible to ascertain the exact extent of land available for grant of quarrying rights.

In the light of the aforestated facts, it is clear that the revenue authorities have already indicated their stand so far as the subject land is concerned and the mining authorities would only have to undertake a survey of the subject land in consultation with the revenue authorities for the purpose of ascertaining the boundaries and the exact extent of the land available. In so far as the pending applications are concerned, it is for the mining authorities to follow the procedure prescribed in the relevant rules and take action in the matter accordingly as regards the prioritization of such applications.

The writ petition is therefore disposed of directing the mining authorities to take necessary steps in the matter and thereafter pass appropriate orders in accordance with law on the pending applications filed by the petitioners and others for grant of quarrying rights in respect of the subject land. This exercise shall be completed expeditiously and in any event, not later than six months from the date of receipt of a copy of this order. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

23RD JUNE, 2015

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