

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.37431 OF 2013

DATED 11th DECEMBER, 2015

Between:

K. Venkatesh rep. by his GPA Holder
Md. Khurshid Hussain .. Petitioner

and

Government of Andhra Pradesh rep. by its
Principal Secretary, Industries & Commerce
Department and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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ORDER

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in interfering with the quarry operations of the petitioner being conducted over an extent of Acs.1-10 gts. In Survey No.129 of Ogipur Village, Tandur Mandal, Rangareddy District, in pursuance of lease granted by the 4th respondent in proceedings No.5584/Q-1(2)/2008, dt.31-10-2008 and work orders issued by 6th respondent in proceedings No.1852/Q/2008, dt.19-11-2008, without any orders in writing as arbitrary, illegal, unjust, unconstitutional and in violation of principles of natural justice and contrary to the provisions of Mines and Minerals (Development & Regulation) Act, 1957 and APMML Rules, 1966 and pass such other order or orders as the Hon’ble Court deems fit and proper in the interest of justice.’

The State authorities arrayed as respondents in the writ petition are the Government of Andhra Pradesh; The District Collector, Ranga Reddy District; The Sub-Collector, Vikarabad Division, Ranga Reddy District; The Deputy Director of Mines and Geology, Hyderabad; The Tahsildar, Tandur Mandal, Ranga Reddy District and The Assistant Director of Mines and Geology, Tandur, Ranga Reddy District.

The Tahsildar, Tandur Mandal, Ranga Reddy District, filed a counter-affidavit stating that a quarry lease was granted to one B. Ramesh over an extent of Ac.1.10 guntas in Survey No.129 of Ogipur

Village of Tandur Mandal for ten years. This lease was thereafter transferred in the name of the petitioner. According to the Tahsildar, the petitioner, instead of excavating the mineral in the land granted on lease to him, tried to occupy the Government land admeasuring Ac.1.10 guntas situated in Survey No.129 of Ogipur Village which was adjacent to the land allotted to one Veer Hanuman Society. The Tahsildar further asserted that the petitioner was trying to conduct quarrying operations in the said Government land and that his quarry leased area was not adjacent to Veer Hanuman Society.

The Assistant Director of Mines and Geology, Tandur, Ranga Reddy District, filed a separate counter-affidavit accepting that a quarry lease for limestone was granted over an extent of Ac.1.10 guntas in Survey No.129 of Ogipur Village, Tandur Mandal, Ranga Reddy District, in favour of one B. Ramesh. This quarry lease was stated to have been transferred in the name of the petitioner in the year 1999 for the unexpired period of lease i.e. up to 05.07.2008. The lease was thereafter renewed for another ten years and is valid up to 18.11.2018. Reference was made by the Assistant Director to the request made by the petitioner for demarcation and fixation of boundaries in Survey No.129 of Ogipur Village over the extent of Ac.1.10 guntas out of Ac.2.00 guntas. He further stated that some anti-social elements were illegally and unauthorisedly interfering with the petitioner's possession and he had therefore requested for proper survey and demarcation for fixing boundaries as per the 'No Objection Certificate' issued by the Revenue Department. The Assistant Geologist and the Surveyor along with the Mandal Surveyor, Tandur Mandal, were stated to have inspected the area on 02.08.2013 and 07.08.2013 for the purpose of fixation of boundary pillars for Veera Hanuman Quarry Workers Labour Contract Co-operative Society Limited. The survey was stated to have been completed on 28.08.2013 in the presence of the petitioner's GPA holder and the members of the society and boundaries were also stated to have been fixed. As per this survey, at a distance of 120 metres on the Eastern

side from the expired leased area of the society, the leased area of the petitioner was located. A panchanama was stated to have been conducted by the Mandal Revenue Inspector, Tandur Mandal, in the presence of the members of the society and the GPA holder of the petitioner apart from the police authorities.

Sri P. Venugopal, learned Advocate General for the State of Andhra Pradesh, representing Sri Syed Khader Mastan, learned counsel for the petitioner, stated that in the light of the aforestated facts, as the authorities have taken necessary steps for demarcating the area of the quarry lease granted to the petitioner, the petitioner should be left free to undertake quarrying operations therein.

Learned Assistant Government Pleader for Mines and Geology fairly stated that in the event the petitioner conducts his quarrying operations within the leased area, there would be no objection from the mining authorities.

The aforestated stand of the mining authorities is duly taken on record. In the light thereof, no further adjudication is warranted in this case which is accordingly closed. In the light of the reorganization of the erstwhile State of Andhra Pradesh, the Registry is directed to substitute 'The State of Telangana' in the place of 'The Government of Andhra Pradesh' in the description of the first respondent in the cause title before issuing a copy of this final order. Pending miscellaneous petitions shall also stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

11th DECEMBER, 2015

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