

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No. 24547 OF 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ of Mandamus, or any other appropriate writ, order declaring the inaction of the Respondents in not granting the No Objection Certificate to the petitioner for quarry lease of rough stone and metal in Survey No. 580 of Kukunoor village, Yeldurthi Mandal, an extent of 4 hectares as illegal, arbitrary and in violation of Article 14 of Constitution of India and contrary Rules 13 of A.P. Minor Mineral Concession Rules 1966 consequently direct the respondents to consider the petitioner's application dated 29-10-2014 by granting lease for a period of 10 years for the above said purpose in the interest of justice and pass such other order or orders as deemed fit and proper in the circumstances.”

2. Heard Sri M.A.Mukheed, learned counsel for the petitioner and learned Government Pleaders for Revenue and Mines and Geology, apart from perusing the material before this court.
3. Petitioner herein made an application dated 29.10.2014 for grant of quarry lease for rough stone and metal in respect of the area admeasuring 4 hectares in Survey No.580, Kukunoor Village, Yeldurthi Mandal, Medak District. Subsequently, the Assistant Director of Mines and Geology, Medak - 2nd respondent herein, addressed a letter bearing No.3127/QL/2014, dated 29.10.2014 to the Revenue Divisional Officer, Medak and the Divisional Forest Officer, Medak, proposing to conduct joint inspection of the applied area to submit the detailed report to the District Collector, Medak at Sangareedy, for issuing no objection certificate. The Tahasildar-5th respondent herein, vide Notice No. B/93/2015, dated 02.02.2015, called for information in

writing from the authorities while informing the proposal for lease. The Divisional Forest Officer, Medak, addressed a letter bearing Rc.No.4720/2015/S6, in the month of March, 2015, informing that the area in question is 250 meters away from the nearest Reserve Forest Yeldurthy, basing on the strength of the report submitted by the Forest Range Officer, Medak. Subsequently, the Village Revenue Officer, Kukunoor, also certified that the subject land is not cultivable. The Mandal Revenue Inspector-II, also confirmed the same vide letter dated 30.01.2015. The panchanama held on 27.01.2015 also discloses the same. The Gram Panchayat, Kukunoor, Veldurthi Mandal, Medak District, also expressed no objection for grant of lease vide resolution dated 04.02.2015.

4. The grievance in the present writ petition is despite the above, the Tahasildar - 5th respondent herein is not taking any action in the direction of issuing of any no objection certificate, which is a pre-requisite for grant of mining quarry lease.

5. It is submitted by the learned Government Pleader that in view of the objection from the villagers, the Tahasildar is not in a position to grant no objection certificate.

6. If that being so, the Tahasildar – 5th respondent herein ought not to have kept the matter pending and ought to have responded in accordance with the rules. In view of the above, writ petition is disposed of, directing the Tahasildar – 5th respondent herein, to pass appropriate orders in the matter with regard to issuing of no objection certificate in respect of the land admeasuring 4 hectares in Survey No.580, Kukunoor Village, Yeldurthi Mandal, Medak District, within a period of one month from the date of receipt of this order.

4. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

17th August, 2015

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