

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.39512 of 2015

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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 No.2,5 & 6 in not forwarding the availability and classification report (No Objection Certificate) on the application of the petitioner dt.30-12-2011 for grant of quarry lease for Black Granite on the patta lands of petitioner, over an extent of Acs.8.95 cents in Sy.No.370/1A, 370/1C, 371/A1A, 371/A1C, 373/A & 373/A1A of Edavalli Village, Chilakaluripet Mandal, Guntur District to the Assistant Director of Mines and Geology (Respondent No.4) and the action of the respondents No.3 & 4 in insisting upon No Objection Certificate to be issued as per G.O.Ms.No.2, Revenue (Assn.I) Department, dt.02-01-2013 overlooking clarification issued by 1st respondent in Memo.No.16435/Assn.I(1)/2013-1, dt.07-09-2013 that G.O.Ms.No.2, dt.02-01-2013 applicable only for Government lands but not on patta lands as arbitrary, illegal, unjust, unconstitutional and contrary to the guidelines issued in G.O.Ms.No.181, dt.28-05-1998 and Mines & Minerals (Development & Regulation) Act, 1957 and A.P. Minor Mineral Concession Rules, 1966 and pass such other order or orders as the Hon'ble Court deems fit and proper in the interest of justice.”

Written instructions were furnished by the Tahsildar, Chilakaluripet Mandal, to the office of the learned Government Pleader for Revenue, wherein he stated that the petitioner had applied for grant of a quarry lease over its patta lands in Edavalli Village, Chilakaluripet Mandal. Upon receipt of proposals from the Assistant Director of Mines and Geology, Guntur, for issuance of a 'No Objection Certificate', the matter was enquired into and the grant of quarry lease was recommended in favour of the petitioner over an extent of Ac.7.58 cents in certain survey numbers of Edavalli Village. The Tahsildar further stated that the Revenue Divisional Officer, Narasaraopet, also recommended the grant of quarry lease for black granite in favour of the petitioner over the

afore-stated extent of Ac.7.58 cents. These proposals were stated to have been placed before the District Level Screening Committee under the Chairmanship of the District Collector, Guntur, and an approval from the Committee was awaited as a joint inspection report was yet to be filed by the Assistant Director of Mines and Geology and the District Forest Officer, Guntur.

The afore-stated stand of the Tahsildar, Chilakaluripet Mandal, reflects that he is of the opinion that the methodology under G.O.Ms.No.2, Revenue (Assignments.I) Department, dated 02.01.2013, would be applicable as it is only under this G.O. that a joint inspection team and a District Level Screening Committee are constituted for the purpose of issuing 'No Objection Certificates'. However, the revenue authorities seem to be completely unaware of Memo No.16435/Assn.I(1)/2013-1 dated 07.09.2013 issued by the Government of A.P. through the Principal Secretary to the Government, Revenue (Assn.I/1) Department. Thereunder, it was recorded that the Government, after careful examination of the matter, had decided that G.O.Ms.No.2 dated 02.01.2013 would be applicable only to Government lands and therefore, feasibility/technical report of the Revenue Divisional Officer, the Assistant Director of Mines and Geology and the Ground Water Department on the applied land (patta land) should be forwarded to the Director of Mines and Geology for necessary permission.

In the light of the afore-stated Government Memo, the understanding of the revenue authorities of Guntur District to the effect that the mode and methodology prescribed in G.O.Ms.No.2 dated 02.01.2013 should be adopted even in the case of patta lands does not stand to reason.

The writ petition is accordingly disposed of directing the respondent authorities to abide by the Government Memo dated 07.09.2013 and take appropriate action upon the petitioner's application for grant of a quarry lease in relation to black granite over its patta lands in various survey numbers of Edavalli Village, Chilakaluripet Mandal, Guntur District. This exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

22nd December, 2015

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