

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

W.P.No.21200 of 2015

O R D E R:

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

"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not considering the petitioner's application dated 16.12.2010 for grant of quarry lease to an extent of Ac.2.50 cents in Sy.No.1880 and Ac.2.25 cents in Sy.No.1881 of Thummarakunta Village, Pedda Thippa Samudram Mandal, Chittoor District, inspite of receiving the report of the 5th respondent vide proceedings Roc.B.157/2011, dated 31.7.2012 as illegal, improper, unjust and arbitrary and further direct the 3rd respondent to consider the report dated 31.7.2012 sent by the 5th respondent for grant of quarry lease to the petitioner and pass such other order or orders as Hon'ble Court may deem fit and proper in the interest of justice."

According to the petitioner herein, she made an application on 16.12.2010 to the 2nd respondent-Director of Mines & Geology, Hyderabad through the 3rd respondent-Assistant Director of Mines & Geology, Palamaneru, Chittoor District for grant of quarry lease to an extent of Ac.2.50 cents in Sy.No.1880 and Ac.2.25 cents in Sy.No.1881 of Thummarakunta village, Pedda Thippa Samudram mandal, Chittoor District for excavation of Block granite. It is further submitted that the 3rd respondent-Assistant Director of Mines & Geology, Palamaneru, Chittoor District has acknowledged the same and asked the 5th respondent-the Tahsildar, Pedda Thippa Samudram Mandal, Chittoor District to submit a report on the category and availability of the area in question.

The petitioner herein on earlier occasion filed Writ Petition No.28976 of 2011 before this Court questioning the inaction on the part of the 5th respondent-Tahsildar, Pedda Thippa Samudram Mandal, Chittoor District in not sending the report/NOC directly to the 2nd respondent-the Director of Mines & Geology, Hyderabad regarding classification and availability of the applied land in terms of G.O.Ms.No.181 Industries & Commerce (Mines-I) Department dated 28.5.1998. This Court by its order dated 11.11.2011 in W.P.No.28976 of 2011 disposed of the said writ petition. The 5th respondent-Tahsildar has sent a report to the 2nd respondent-Assistant Director of Mines & Geology, Palamanenu, Chittoor District vide Roc.No.B/157/2011 dated 31-7-2012. The relevant portion of the report dated 31-7-2012 reads as under :

" In the above circumstances the land proposed for grant of quarry lease in Sy.No.1880 extent 2.50 acres and Sy.No.1881 extent 2.25 acres is available with the classification of un-assessed waste dry of Thummarakunta Village. Hence the quarry lease may be granted in favour of Smt. A. Lakshmi Prasanna. Similarly the second application of G.Ramanjaneya Reddy is also submitted because the applied area is one and the same and no chance to submit another proposal. I therefore request that the quarry lease may be granted in favour of Smt. A. Lakshmi Prasanna according to the rules in force. The record of enquiry along with location sketch, statement of mety ryots and the village account extracts, A-1 notice, Panchayat resolution, Grama Sabha Resolution along with applications received in the references 1st and 2nd cited in original are herewith enclosed for favour of kind perusal."

In the present writ petition the grievance of the petitioner is that despite the said report dated 31.7.2012 of the 5th respondent-Tahsildar to the 2nd respondent, and also oral

representations to the 3rd respondent, petitioner's application has not been considered so far.

Taking into consideration the totality of the circumstances, this Court deems it appropriate to dispose of the writ petition by directing the respondent-authorities to take appropriate action on the quarry lease application dated 16.12.2010 submitted by the petitioner herein pursuant to the report of the 5th respondent-Tahsildar vide proceedings Roc.No.B/157/2011 dated 31.7.2012 by fixing some time limit.

For the aforesaid reasons, the writ petition is disposed of, directing the respondent authorities to take appropriate action on the quarry lease application dated 16.12.2010 submitted by the petitioner herein for grant of quarry lease in respect of Ac.2.50 cents in Sy.No.1880 and Ac.2.25 cents in Sy.No.1881 of Thummarakunta Village, Pedda Thippa Samudram Mandal, Chittoor District pursuant to the report of the 5th respondent-Tahsildar dated 31.7.2012, within a period of two months from the date of receipt of copy of order. Miscellaneous applications, if any pending in the writ petition, shall stand closed. No costs.

A.V.SESHA SAI, J

Date: 22.9.2015
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