

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

WRIT PETITION No.18422 of 2015

ORDER:

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

“to issue writ of Mandamus to direct the respondents 3 to 7 to consider the application of the petitioner dated 02.03.2013 for grant of quarry lease in the land in Sy.No.363, admeasuring 8000 hectors situated in Kothavaripalli village, Madanapalle Mandal, Chittoor District as per G.O.Ms.No.2, Revenue (Assignment-1) Department, dated 2.1.2013.”

Heard Sri Ramesh Katikineni, learned counsel for the petitioner and learned Government Pleaders for Mines and Geology, Revenue and Forest for respondents, apart from perusing the material available before this Court.

According to the petitioner, it submitted an application to the Director of Mines and Geology Andhra Pradesh, Hyderabad – 2nd respondent herein through the Assistant Director of Mines and Geology, Palamaner on 02-03-2013 for grant of quarry lease for colour granite for twenty (20) years as per the provisions of A.P. Minor Mineral Concession Rules, 1966 (for short, ‘the Rules’) in respect of an extent of 8 Hectors in Sy.No.363, Kothavaripally village, Madanapalle mandal, Chittoor district. It is further stated that the Assistant Director of Mines and Geology, Palamaneru – 4th respondent herein vide letter bearing No.933/Q.2013, dated 05-02-2014 requested the Sub-Collector, Madanapalle to issue No Objection Certificate as per G.O.Ms.No.2 Revenue (Assignments-I) Department, dated 02-01-2013 by conducting a detailed enquiry in respect of the issues mentioned therein, so as to enable him to take further action in the matter.

It is further stated that the said letter was also communicated to the Divisional Forest Officer, Chittoor and Tahsildar, Madanapalle on 30-10-2014 with a request to take necessary action in the matter.

It is further averred in the writ affidavit that the Gram Panchayat, Kothavaripalle village, Madanapally mandal passed a resolution on 13-10-2014, stating that panchayat has no objection for grant of necessary permission to the petitioner in respect of the applied area. It is further stated in the writ affidavit that the Mandal Revenue Inspector, Mandal Surveyor, Madanapalle mandal and the Village Revenue Officer, Kothavaripalle village, Madanapalle mandal also enquired into the matter individually and submitted their respective reports, recommending the case of the petitioner to the Tahsildar for grant of No Objection Certificate. It is also stated that the Tahsildar, Madanapalle – 7th respondent herein submitted a report to the Joint Collector, Chittoor stating that he inspected the land in question along with the Mandal Surveyor, Mandal Revenue Inspector, Madanapalle and Village Revenue Officer, Kothavaripalle on 01-11-2014 and the area is free from encroachments and applied area is classified as 'Gayalu'. It is also the case of the petitioner herein that on 27-12-2014 the officers concerned including the Divisional Forest Officer inspected jointly in the presence of the petitioner and thereafter on 06-02-2015 they recommended the case of the petitioner for grant of quarry lease.

The grievance of the petitioner in the present writ petition is despite the above, no orders have been passed so far on the quarry lease application submitted by the petitioner herein as long back as on 02-03-2013. It is the further grievance of the petitioner herein that even though he complied with all the requisite formalities as per the Rules, no orders have been passed by the respondent authorities in the direction of granting lease in favour of the petitioner herein and because of the same the petitioner is suffering undue hardship and irreparable loss. It is also the complaint of the petitioner herein that despite making application on

09-06-2015 under the Right to Information Act no information is forthcoming from the District Collector.

There is absolutely no dispute with regard to the factum of filing of quarry lease application by the petitioner on

02-03-2013 and the joint inspection conducted on

27-12-2014. As per the procedure laid down under G.O.Ms.No.2 Revenue (Assignments-I) Department, dated 02-01-2013 the Joint Inspection Team consisting of Revenue Divisional Officer, Divisional Forest Officer and Assistant Director of Mines and Geology should inspect the proposed land and submit a detailed report to the District Collector within 30 days after receipt of application for grant of licence for mining lease/quarry lease.

As per Clause 6 (vii) of the said Governmental order the District Level Screening Committee will meet once in every (60) days and scrutinize the report of Joint Inspection Team and take a decision on the issue of "NOC" and forward its decision to the Director of Mines and Geology for necessary action.

The information available before this Court vividly discloses that as per Clause 6(i) of the said Governmental order the authorities conducted a joint inspection on

27-12-2014 and the said report needs to be placed before the District Level Screening Committee and as per Clause 6 (vii) of the said Governmental order the same needs to be considered by the District Level Screening Committee and appropriate decision is required to be taken.

In the instant case, even though the joint inspection was conducted as long back as on 27-12-2014, the report has not been placed so far before the Scrutiny Committee. This in the considered opinion of this Court is highly unreasonable.

Therefore, in the facts and circumstances of this case, this Court is of the considered opinion that the ends of justice would be met if the respondent authorities are directed to place the report before the District Level Screening Committee in the ensuing meeting for necessary action, in accordance with the G.O.Ms.No.2 Revenue (Assignments-I) Department, dated 02-01-2013 and this Court also considers it reasonable to direct the respondent authorities to pass final orders on the quarry lease application, dated 02-03-2013 submitted by the

petitioner herein by fixing some time frame.

For the aforesaid reasons, the writ petition is disposed of, directing the respondents herein to take appropriate action on the quarry lease application, dated 02-03-2013 submitted by the petitioner herein for grant of quarry lease in respect of an extent of 8 Hectors in Sy.No.363, Kothavaripally village, Madanapallemandal, Chittoor district and pass appropriate orders after completing the process as per G.O.Ms.No.2 Revenue (Assignments-I) Department, dated 02-01-2013. This entire exercise shall be completed within a period of three (3) 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. There shall be no order as to costs.

A.V. SESA SAI, J

October 05, 2015

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