

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.36844 of 2015

ORDER:

The prayer of the petitioner is in the following terms:

“For the reasons stated in the accompanying affidavit the Petitioner humbly prays that this Hon'ble Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents in not considering the Petitioner's request to remove the stones and sand by issuing NOC to the Petitioner from his land in an extent of Ac.3.36 cents in Sy.No.974/7 of Patha Tungapadu Village, Rajanagaram Mandal, East Godavari District, which is illegal, irregular and in violation of Article 14, 21 and 300-A of Constitution of India, consequently direct the Respondents to grant permission to remove the stones and sand by issuing NOC to the Petitioner to his land in an extent of Ac.3.36 cents in Sy.No.974/7 of Patha Tungapadu Village, Rajanagaram Mandal, East Godavari District and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

However, the petitioner's representation to the District Collector, East Godavari District, concludes with the following prayer:

“Under the above circumstances I request the Hon'ble and benign District Collector East Godavari Kakinada may be pleased to pass necessary and suitable orders while declaring me as the owner of the land of Ac.3.63 cents in S.No.974/7 of Patha tungapadu of Rajanagaram Mandal while issuing Zeroyat Patta with alienable rights and pass such other orders in the interest of justice.”

This aspect of the matter was pointed out by the Tahsildar, Rajanagaram Mandal, in his written instructions dated 28.11.2015 furnished to the office of the learned Government Pleader for Revenue.

In effect, the petitioner has not even sought permission from the competent authority to remove the stones and sand from the subject land by issuing a 'No Objection Certificate'. In the absence of a representation having been made to this effect, the petitioner cannot seek a writ of mandamus to the authority to consider his request in that regard.

The writ petition is misconceived and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date:04.12.2015

GJ