

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

W.P.No.3507 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

“To issue a appropriate Writ, in the nature of Writ of Mandamus declaring the action of the 1st respondent in not issuing NOC in respect of the petitioner gravel quarry application No. 928/Q.1/2011; dated 08-02-2011 as per the Joint Inspection Report on the recommendation of the Revenue Divisional Officer, Tirupati and Divisional Forest Officer, Chittoor East Division in Proceedings dated 04-12-2013 and 16-08-2014 respectively as illegal, improper, unjust, and arbitrary and contrary to Government Memo No.14433/Assignment I(1)/20131; dated 02-05-2013 and further direct the 1st respondent to issue NOC forthwith to the petitioner as per the recommendations of the Revenue Divisional Officer, Tirupati and Divisional Forest Officer, Chittoor East Division in Proceedings dated 04-12-2013 and 16-08-2014 respectively as granted in favour of Sri B.Danjaya Reddi in Pro. ROC No. E.8/2402/2014; dated 21-05-2014 by the 1st respondent in Sy.No. 452/2 (Old No.134) of Thugundram Village, G.D. Nellore Mandal of Chittoor District.”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology, apart from perusing the material available on record.

3. According to the petitioner, he submitted an application on 8.2.2011 to the 4th respondent-Deputy Director of Mines and Geology, Kadapa through the 3rd respondent-Assistant Director of Mines and Geology, Chittoor for grant of quarry lease in respect of 8,000 Hectares in Sy.No.93/4 of Kadirivedu village, Sathyavedu mandal, Chittoor district and the said application was forwarded to the Tahsildar vide File No.928/Q1/2011 dated 8.2.2011 for the prupose of sending report along with NOC as per G.O.Ms.No.181 Industries and Commerce

(Mines-I) Department dated 26.5.1998. Subsequently, questioning the inaction on the part of the authorities, the petitioner herein filed W.P.No.32519 of 2012 earlier and this Court by way of an order dated 19.10.2012 disposed of the said writ petition, directing the Assistant Director of Mines and Geology, Chittoor to forward the application of the petitioner dated 8.2.2011 along with the report of the Tahsildar, Satyavedu mandal, to the Deputy Director of Mines and Geology, Kadapa district in terms of G.O.Ms.No.181 dated 28.5.1998 for taking appropriate decision in accordance with law, within a period of three weeks from the date of receipt of a copy of the order. Thereafter, in view of change of procedure with regard to issuance of NOC vide G.O.Ms.No.2 Revenue (Assignments.I) Department dated 2.1.2013, a joint inspection was held and the Revenue Divisional Officer, Tirupathi addressed a letter vide Roc.No.D/3636/2013 dated 4.12.2013 to the Assistant Director of Mines and Geology, Chittoor sending the NOC along with the report of the Tahsildar, Satyavedu for submitting the same to the screening committee after getting consensus from the Forest Department. The Divisional Forest Officer, Chittoor East (WL) Division, addressed a letter vide Rc.No.3141(b)/2013/D dated 16.8.2014 to the Assistant Director of Mines and Geology, Chittoor expressing no objection for grant of quarry lease for gravel in Sy.No.93/4 extent 8.00 acres in favour of petitioner herein. It is also brought to the notice of this Court that the State Government issued a Memo bearing No.14433/Assn.I(1)/2013-1 dated 2.5.2013 issuing certain instructions. Paragraph 4 of the said memo reads as under:

“Government after careful examination of the matter has, therefore, direct that the District Level Screening Committee shall inspect all the grazing lands and re-classify the grazing lands having mineral wealth and not useful for grazing purpose for taking a considered view on the allotment of such lands for mining purpose including (90) mineral concession applications are pending for disposal with the Mines and Geology Department. The District Level Screening Committee shall also ensure to overcome the possible delay in convening by-monthly meetings”.

4. It is also brought to the notice of the Court that in respect of similarly situated persons, 1st respondent issued orders vide Roc.No.E.8/2402/2014 dated 21.5.2014 in favour of one B.Dananjaya Reddi in respect of Sy.No.452/2 (Old No.134) of Thugundram village, G.D. Nellore Mandal of Chittoor district and copy of the same is placed on record. In the above background, now the grievance of the petitioner is that despite the same, no action has been taken so far by the 1st respondent on the application of the petitioner in terms of G.O.Ms.No.2 dated 2.1.2013 and Memo dated 2.5.2013.

5. In these circumstances, this Court is of the considered opinion that ends of justice would be met if a direction is given to the 1st respondent to take appropriate action on the application of the petitioner for grant of quarry lease in the light of G.O.Ms.No.2 dated 2.1.2013 and Memo dated 2.5.2013.

6. For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent herein to take appropriate action on the application of the petitioner dated 8.2.2011 for grant of quarry lease in respect of 8.000 hectares in Sy.No.93/4 of Kadirivedu village, Satyavedu mandal, Chittoor district in terms of G.O.Ms.No.2 Revenue (Assignments-I) Department dated 2.1.2013 and Memo bearing No.14433/Assn.I(1)/2013-1 dated 2.5.2013 issued by the Government, within a period of two months from the date of receipt of this order. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 22.7.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.3507 of 2015

22.7.2015

IN THE HIGH COURT OF JUDICATURE AT

HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

W.P.No.3507 of 2015

Between:

P.Balaji

.. Petitioner

And

The District Collector,
Chittoor district & others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 22.7.2015

SUBMITTED FOR APPROVAL

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

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| 1. | Whether the Reporters of Local Newspapers may be allowed to see the judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether their Ladyship/Lordship wish to see the fair copy of the judgment? | Yes/No |