

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.11666 of 2015

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Between:

Madigani Ajay Babu

PETITIONER

AND

1. The State of Andhra Pradesh rep. by its Principal Secretary, Industries and Commerce (Mines-I) Department, Secretariat, Hyderabad, and others.

RESPONDENTS

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.11666 of 2015

ORDER:

The petitioner claims to be the resident of Stuartpuram Village, Bapatla Mandal, Guntur District. He has taken dry land admeasuring Ac.2.70 cents in Sy.No.859/H, on lease under lease agreement dated 04.05.2013 from one Vallagi Salmi W/o. Vallagi Moshe and other. While so, the 1st respondent-Government introduced sand policy for extraction of sand vide G.O.Ms.No.186, dated 17.12.2013. The 2nd respondent-District Collector is the head of the District Level Committee.

The 2nd respondent issued proceedings dated 19.02.2015 permitting extraction of sea based sand mixed with clay, on payment of Rs.50/- per Cubic Meter and to be utilized locally. Accordingly, the petitioner claims to have made an application before the 4th respondent-Mandal Parishad Development Officer, Bapatla on 6.4.2015 for grant of extraction permission. Alleging that no action has been taken on the said application and so far no permission is granted, the present writ petition is filed.

Heard learned counsel for the petitioner and learned Standing Counsel for the 4th respondent.

Learned Standing Counsel appearing for respondent No.4 submits that no such representation is received by the 4th respondent and therefore no action has been taken by him.

The petitioner has enclosed the acknowledgement card with postal endorsement showing that the application has been received by the addressee. Thus it is not proper on the part of the 4th respondent to say that the application has not been received by him. However, the learned Standing Counsel fairly submits that the petitioner may be directed to submit a fresh application and the same shall be considered by the 4th respondent.

Having regard to the said submission, without expressing any opinion on the merits of the case, the writ petition is disposed of permitting the petitioner to file a fresh application before the 4th respondent-Mandal Parishad Development Officer, Bapatla. On such application being received, the 4th respondent shall consider the same and pass appropriate orders within a period of two weeks from the date of receipt of such application. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J.

16th June, 2015

Js.

Note: Issue C.C in one week.