

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NOS.19344 OF 2013 AND 15883 OF 2014

DATED 09th NOVEMBER, 2015

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W.P.No.15883 of 2014:

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Between:

G.Jeevan Prasad .. Petitioner

and

The State of Andhra Pradesh,

rep. by its Principal Secretary –

Mines and Geology Department,

Secretariat, Hyderabad, and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NOS.19344 OF 2013 AND 15883 OF 2014

COMMON ORDER

The petitioner in W.P.No.15883 of 2014, the Proprietor of M/s.Sarojamma

Metal Traders, Somisetti Nagar, Kurnool City and District, assails the action of the District Collector, Kurnool, under his proceedings dated 04.11.2013, in directing the Deputy Director of Mines and Geology, Kurnool, Andhra Pradesh, to cancel the quarry lease granted to him under proceedings dated 15.03.2013 over an extent of 14.170 hectares in Sy.No.229 of Puduru Village, Kurnool Mandal and District.

W.P.No.19344 of 2013 was filed by respondents 9 and 10 in W.P.No.15883 of 2014 assailing the action of the Tahsildar, Kurnool Mandal, Kurnool District, in not submitting his report to the Revenue Divisional Officer, Kurnool, after duly verifying the revenue records with regard to the grant of the mining lease in favour of the petitioner in W.P.No.15883 of 2014.

The matter essentially relates to the status of the land which is the subject matter of the mining lease granted in favour of the petitioner in W.P.No.15883 of 2014. The claim of respondents 9 and 10 in the said writ petition, the petitioners in W.P.No.19344 of 2013, is that they are the owners of the subject land. A question was also raised as to whether the subject land would form part of a canal poramboke.

It appears that the District Collector, Kurnool, acted upon the recommendations made by the Revenue Divisional Officer, Kurnool, under his letter dated 14.08.2013, that the mining lease granted to the petitioner in W.P.No.15883 of 2014 should be cancelled, and accordingly issued directions to the Deputy Director of Mines and Geology, Kurnool, and the Assistant Director of Mines and Geology, Kurnool, to cancel the said lease.

The counter-affidavit filed by the Assistant Director of Mines and Geology, Kurnool, reflects that the Deputy Director of Mines and Geology, Kurnool, is presently seized of the matter.

In the light of the aforestated facts, this Court is of the opinion that no adjudication is warranted on merits in these writ petitions at the present stage. The authority concerned, being the Deputy Director of Mines and Geology, Kurnool, is yet to apply his mind and take a decision in the matter.

Needless to state, in the light of the rival claims made by the parties and also the dispute as to the very status of this land in terms of it being a patta land or a canal poramboke, it would be open to the Deputy Director of Mines and Geology,

Kurnool, to look into all aspects of the matter, with the assistance of the revenue authorities, and take an appropriate reasoned decision in accordance with law after hearing all the interested parties.

It is made clear that all issues are left open and this Court has not ventured into the merits of any of the questions raised by the parties to the litigation. As this matter has been kept pending by the Deputy Director of Mines and Geology, Kurnool, who was entrusted with it in terms of the direction of the District Collector, Kurnool, despite there being no interim orders by this Court interdicting him from proceeding further, the Deputy Director of Mines and Geology, Kurnool, is directed to complete this exercise expeditiously and in any event, not later than three months from the date of receipt of a copy of this order.

The writ petitions are disposed of accordingly. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

09th NOVEMBER, 2015

PGS