

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3313 of 2016

ORDER:

The grievance of the petitioner is as under:

“For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring and setting aside the Memo No.158/M.III(2)/2015 dt 23.1.2016 on the file of the first respondent as illegal and arbitrary and to consequently direct the first respondent to forthwith pass orders on the application of the petitioner made on 30.11.2015 in tune with the directions issued by this Hon'ble Court in PIL No.261 of 2015 dt. 27.11.2015; Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.”

Admittedly, permission was earlier granted to the petitioner to de-cast sand from his patta land but such permission was set at naught by a Division Bench of this court in Public Interest Litigation No.261 of 2015. However, perusal of the order dated 27.11.2015 passed by the Division Bench demonstrates that the reason for doing so was not because the petitioner was not entitled to such permission but only on the ground that such permission had been granted long ago and could not therefore be acted upon after a prolonged lapse of time. The petitioner was however given liberty to seek permission afresh and the authority concerned was directed to consider the same in accordance with law as expeditiously as possible and preferably within a period of six weeks.

The petitioner claims to have submitted an application afresh in terms of the afore-stated order on 30.11.2015. As the authority failed to take appropriate action in the matter in terms of the order passed by the Division Bench despite passage of two months, the petitioner filed the present writ petition.

Memo dated 23.01.2016 issued by the Principal Secretary to

the Government, Industries and Commerce Department, Government of A.P., was filed indicating that the petitioner's representation dated 30.11.2015 was forwarded to the District Collector, East Godavari District, for taking appropriate action.

In the light of the order passed by a Division Bench of this Court in PIL No.261 of 2015 and as the petitioner is basically seeking reiteration of the permission granted to him earlier, the writ petition is disposed of directing the respondent authorities to consider the petitioner's application dated 30.11.2015 in accordance with law and in terms of the order dated 27.11.2015 in PIL No.261 of 2015 and take appropriate lawful action in the matter. In the event the petitioner's application is rejected, the reasons therefor shall be recorded and duly communicated to him. This entire exercise shall be completed expeditiously and in any event, not later than four weeks 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. No order as to costs.

JUSTICE SANJAY KUMAR

15th February, 2016
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