

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.41861 OF 2016

Dated:06.12.2016

Between:

Andhra Pradesh Kummara Salivahana
Sangham, rep., by its President
Koduri Sambasiva Rao, Regd.No.2368/2003,
Mangalagiri, Mangalagiri Mandal,
Guntur District .. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary (Revenue),
A.P. Secretariat, Velagapudi, .. Respondents
Guntur District and others



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.41861 OF 2016

ORDER:

Heard. With the consent of learned counsel for the parties, the Writ Petition is disposed of at the stage of admission.

2. The petitioner is a Sangham and it claims that the land to an extent of Acs.10.00 in Survey No.202/2 is allotted to it and the members of the petitioner are in possession and enjoyment of the said property. While so, by the order impugned in the Writ Petition, the 6th respondent – Company is granted permission for excavation and transportation of gravel for a quantity of 3,324 cubic meters and such action is *ex facie* illegal.

3. This Court, by order dated 01.12.2016, granted interim suspension as prayed for.

4. When the matter is taken up for consideration, learned Government Pleader for Mines and Geology submits that the order under challenge, dated 24.11.2016, was for a limited period and the permission for excavation and transportation of gravel expired on 01.12.2016 and therefore the cause in the Writ Petition does not survive.

5. Learned Government Pleader for Revenue submits that he has received the relevant records, which would disclose that no such allotment was made and therefore the petitioner cannot claim that the subject land is allotted to them.

6. The stand of the Revenue Department is seriously disputed by the learned counsel for the petitioner.

7. Since the cause in the Writ Petition does not survive after 01.12.2016, I am not inclined to go into any controversy at this stage. However, it is open to the petitioner to submit a detailed representation to the District Collector, Guntur District, enclosing all the relevant documents within a period of one week from the date of receipt of a copy of this order. If such representation is submitted within the time prescribed, the District Collector shall examine the same and pass appropriate orders in accordance with law. Till orders are passed by the District Collector on such representation, if submitted, no further excavation permission should be granted to the 6th respondent - Company. If no such representation is filed, it is open to the respondents to take coercive action, as warranted in law.

8. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:06.12.2016

KH

P. NAVEEN RAO, J