

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.10894 OF 2006

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Mines and Geology (AP) for respondents 2 to 4 and the learned counsel for respondent No.5.

2. The petitioner applied for grant of mining lease in respect of land in an extent of Ac.2-28 cents in Sy.No.288/17 and Ac.1-09 cents in Sy.No.288/27 of V.Kothapally Village, Vemul Mandal, Kadapa District on 06.09.1993. The fifth respondent also submitted an application on the very same day for the said extent. Though a third party called M/s.Gowthami Mines & Minerals submitted an application on the next day, they withdrew it later. The second respondent, by its memo dated 29.11.2003, rejected the application of the fifth respondent and granted lease in favour of the petitioner in respect of land in Sy.Nos.288/17 and 288/27. Challenging the said order, the fifth respondent filed a revision before the first respondent. The second respondent granted lease in favour of the fifth respondent in respect of land in Sy.No.288/24 by another memo of even date i.e., 29.11.2003, rejecting the application of the petitioner, for which, the petitioner preferred a revision before the first respondent. Both the revisions were heard by the first respondent and they were dismissed by separate orders dated 05.10.2004. Challenging the order in revision insofar as

it went against the petitioner, he filed W.P.No.19281 of 2004 and the same was allowed on 19.04.2005 by setting aside the order of the first respondent and remanding the matter to the second respondent. Since the order of the second respondent dated 29.11.2003 was not set aside, the petitioner filed W.A.No.1088 of 2005 for modification of order in W.P.No.19281 of 2004 dated 19.04.2005. The fifth respondent also filed W.A.No.1699 of 2005 challenging the order dated 19.04.2005 of the learned single Judge. A Division Bench of this Court, by interim order dated 16.06.2005 in W.A.No.1088 of 2005, directed the officers not to allow the quarrying by the fifth respondent. Ultimately, both the writ appeals were heard together and were dismissed by the Division Bench of this Court by common order dated 26.12.2005. As a consequence thereof, the first respondent was directed to decide the revision petition filed by the petitioner within two months. The first respondent took up two revisions and passed orders in final order Nos.9 and 10 of 2006 dated 27.04.2006 remanding the matter to the second respondent for consideration of the applications of the petitioner and the fifth respondent afresh. The present writ petition was filed challenging the final order No.9 of 2006 dated 27.04.2006.

3. This Court, while admitting the writ petition on 01.06.2006, granted interim suspension, as a result of which, the second respondent is not in a position to decide the case of

the petitioner and the fifth respondent consequent to the revision order passed by the first respondent.

4. When the matter is taken up for consideration, the learned counsel for the petitioner fairly submitted that in view of the order of remand, the second respondent can consider the case in accordance with law.

5. In view of the same, this writ petition is disposed of directing the second respondent to consider the case of the petitioner and the fifth respondent pursuant to the order of remand passed by the first respondent in final order No.9 of 2006 dated 27.04.2006 and dispose of the same in accordance with law as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 15.03.2016
TJMR