

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

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WRIT PETITION No.14434 of 2010

Between:

M/s.Krishna Country Canal Boat Workers, L.C.C.Society.

....Petitioner

and

The Government of Andhra Pradesh,
Rep.by its Secretary, Industries and Commerce
Department, Secretariat, Hyderabad, and others.

....Respondents

JUDGMENT PRONOUNCED ON : 22.03.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.14434 of 2010

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ORDER:

The petitioner was a successful bidder in the tender issued for sand quarry at Vedadri of Krishna river pursuant to the notification published on 08.03.2010 for an amount of Rs.3,27,99,999.99. The Assistant Director of Mines and Geology issued a letter on 29.03.2010 directing the petitioner to deposit the amount equivalent to 25% of the knocked down bid amount along with income tax in two working days. Accordingly, the petitioner deposited the said amount. Later on the

petitioner came to know that in the joint inspection conducted on 27.03.2010 and 28.03.2010, it came to light that the area is in an undulated terrain prevailed with dry crops and no approach road was noticed. The contour canal constructed by the Forest Department was also observed at the northern side of the approach road. The successful bidder was asked to form a new approach road after obtaining consent from the pattadar and clearance from the concerned authorities under Rule 9(N) of the Andhra Pradesh Minor Mineral Concession Rules, 1966. The petitioner could not lay a ramp or pathway without approval from the River Conservator and the reach was put to auction without laying the pathway. In those circumstances, the petitioner submitted a representation on 16.04.2010 to return the total amount deposited towards the EMD, 25% of the bid amount and income tax totaling to Rs.75,47,235/-, and when no action was taken, the petitioner filed W.P.No.9756 of 2010 and when the same was pending, the District Collector passed orders on 14.05.2010 ordering forfeiture of the amount deposited. The petitioner states that it could not quarry the sand reach due to the fault of the respondents and hence the order of forfeiture dated 14.05.2010 was wrong.

When the case came up for consideration before this Court on 21.11.2014, this Court noticing that the matter is pending with the Government, directed the Government to take a decision within a period of three months from the date of receipt of the copy of the said order and communicate the same to the petitioner.

Accordingly, the Government disposed of the revision application filed by the petitioner on 19.04.2011 by dismissing the same by order dated 01.07.2015 after giving an opportunity of hearing. The said order was communicated to the petitioner.

In view of the dismissal of the revision application of the petitioner, the petitioner has to take appropriate steps in accordance with

law and no relief can be granted in the present Writ Petition, as the relief sought for in the present Writ Petition has got merged with the subsequent order passed by the Government on 01.07.2015.

The Writ Petition is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22.03.2016
vs