

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.3223 OF 2009

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Mines and Geology (TS) for respondents 1 and 2 and the learned counsel for third respondent.

2. The petitioner states that he obtained lease in respect of patta land admeasuring Acs.2-20 guntas in Sy.Nos.369 and 374 of Thatikal Village, Nakrekal Mandal, Nalgonda District under a lease deed dated 13.05.2001 from the original owners. On the basis of the said lease deed, he applied for quarry lease to the second respondent, but the land was found to have been alienated in favour of one T.Upendar Rao through a registered sale deed dated 02.02.1990. When the petitioner came to know of the same, he purchased the said land from T.Upendar Rao under a registered sale deed dated 30.03.2002. In the meanwhile, the Mandal Revenue Officer, Nakrekal issued No-objection certificate to the second respondent for grant of quarry lease in favour of the third respondent. The third respondent, who was granted quarry lease, filed O.S.No.9 of 2009 on the file of the Court of the Junior Civil Judge, Nakrekal and obtained orders of injunction in I.A.No.57 of 2009 on 04.02.2009. The grievance of the petitioner is that without considering his application for quarry lease, the application of the third respondent was considered and quarry lease was granted in its favour.

3. The petitioner further states that the sale deed obtained by the third respondent dated 20.11.2008 is latter to the sale deed obtained by the petitioner on 30.03.2002. He submitted representations on 05.02.2009 and 14.02.2009 to the first respondent, and when no action was taken and when a work order was issued in favour of the third respondent, the present writ petition was filed.

4. The above facts would reveal that there was a title dispute with

regard to the land, as the petitioner claims to have purchased the land on 30.03.2002, whereas the third respondent purchased it on 20.11.2008. The third respondent also filed O.S.No.9 of 2009 and obtained an order of injunction on 04.02.2009. When the second respondent issued work order on 23.08.2008 pursuant to the quarry lease granted in favour of the third respondent, the present writ petition was filed.

5. In view of grant of quarry lease in favour of the third respondent on 27.06.2008 by the first respondent, without challenging the same, the consequential order dated 23.08.2008 passed by the second respondent cannot be challenged.

6. The writ petition is devoid of merits and hence it is dismissed. However, this will not prevent the petitioner from agitating his rights, if any, as against the official respondents.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 08.03.2016
TJMR