

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.39125 of 2012

ORDER:

1. The petitioner submitted an application to the 3rd respondent for grant of black granite quarry lease in an extent of Ac.7.000 Hectares in Sy.No.92 of Gaddamvaripalli village, Chowdepalli Mandal, Chittoor District, on 17.10.2012. The said application was forwarded by the 3rd respondent to the 4th respondent for issuance of No Objection Certificate. The Government issued G.O.Ms.No.181, Industries and Commerce (Mines-I) Department, dated 28.05.1998 directing all the Tahsildars in the State to issue No Objection Certificate directly to the concerned Assistant Director of Mines and Geology without routing the application through the Revenue Divisional Officers or the concerned District Collectors in order to save time. However, a Memo was issued on 06.08.2012, contrary to the said G.O.Ms.No.181, directing all the Tahsildars not to issue No Objection Certificate in respect of the licences for mining and quarry lease purposes. The said Memo is challenged in the present writ petition.

2. A counter-affidavit is filed by the 3rd respondent stating that subsequent to the filing of the present writ petition, the Government issued guidelines for issue of No Objection Certificate in G.O.Ms.No.2, Revenue (Assignments. I) Department, dated 02.01.2013 duly superseding all the existing orders. In view of the same, it is stated that the application of the petitioner would be processed after receipt of No Objection Certificate from the 2nd respondent as per G.O.Ms.No.2 dated

02.01.2013.

3. The 4th respondent, Tahsildar, Chowdepalli Mandal, Chittoor District, also filed a counter-affidavit stating that as per G.O.Ms.No.2 dated 02.01.2013, a District Level Screening Committee under the Chairmanship of the District Collector was constituted by the Government for issuance of No Objection Certificate for quarry or mining lease and in those circumstances, the application of the petitioner was not considered.

4. The 4th respondent cannot keep the issuance of No Objection Certificate pending merely because a District Level Screening Committee was constituted as per G.O.Ms.No.2 dated 02.01.2013. The 4th respondent should have sent the communication received from the 3rd respondent to the District Level Screening Committee for taking appropriate action in the matter.

5. In the circumstances, the Writ Petition is disposed of directing the 4th respondent to place the communication received from the 3rd respondent, pursuant to the application of the petitioner dated 17.10.2012, for consideration of issuance of No Objection Certificate by the District Level Screening Committee pursuant to the G.O.Ms.No.2, Revenue (Assignments. I) Department dated 02.01.2013 in accordance with law and that the District Level Screening Committee shall consider the same and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order.

6. Miscellaneous petitions, if any, pending shall stand

closed.

A.RAMALINGESWARA RAO, J

23-02-2016

Gsn