

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**WRIT PETITION No.28373 of 2016**

**ORDER:**

Heard Smt. N. Shoba for petitioner and Government Pleader for Mines and Geology for respondents.

2. Petitioner challenges the proceedings No.23460/R5-1/2015 dated 06.07.2016 whereunder the quarry lease for black granite in an extent of 2.000 hectares in Sy.No.1106 of Theertham village, Baireddypally Mandal, Chittoor District has been determined by second respondent.

3. The second respondent issued show cause notice No.23460/R5-1/2015 dated 19.01.2016 calling upon the petitioner to show cause why the quarry lease in favour of petitioner be not determined for the following breaches:

1. Not paid the Arrears and ADR for the year 2015-16 (Balance amount Rs.88,301/-) as per Rule 12(5)(g)(iii) of APMMC Rules, 1966.
2. Not erected boundary pillars around the leased are as per Rule 12(5)(h)(v) and rule 31(vi) of APMMC Rules, 1966.
3. Not submitted Half Yearly and Annual Returns which is breach to Rule 41(1) (a) & 41(1)(b) of GCDR, 1999.

The proceedings impugned in the writ petition refer to service of show cause notice and failure of petitioner to give reply to the show cause notice.

4. Counsel for petitioner draws the attention of the Court to representation dated 12.07.2016 and tries to contend that each one of the allegations in the show cause notice, *prima facie*, is made on account of lack of updated information, therefore, determination of quarry lease for small omissions, if any, is illegal, instead second respondent ought to have directed payment of outstanding, if any, with a penal or other conditions and allowed the petitioner to operate the quarry lease, she prays for setting aside the proceedings

impugned in the writ petition.

5. Per contra, the Government Pleader vehemently opposes the writ petition on the ground that the petitioner has remedy of revision before the first respondent and the petitioner had already availed the remedy on 11.08.2016. This Court ought not to permit the petitioner to avail both the remedies simultaneously. As regards the merits challenged by the petitioner, it is replied that the revisional authority will have full opportunity of examining the entire record, finding out the commissions or omissions, dispose of the revision. Hence, it is not desirable for the Court to consider the merits at this stage of the matter. Government Pleader requests the Court to direct the first respondent to dispose of the revision within particular time limit.

6. The petitioner has already availed the remedy of revision before the first respondent. The determination of lease visits two consequences viz. one the same area will be available for consideration and grant to any other applicant and secondly, further steps are taken for recovery of small sum due from the petitioner under ROR Act. Having considered the *prima facie* case and balance of convenience, this Court is of the view that the proceedings impugned in the writ petition be suspended during the pendency of the revision before the first respondent. First respondent can be directed to dispose of the revision as expeditiously as possible, preferably, within six (6) months from the date of receipt of copy of this order.

The writ petition is disposed of as indicated above. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

---

S. V. BHATT, J

August 24, 2016

**Note:** Furnish C.C. in one week.

(B/o) DSK