

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.2445 of 2016

Dated 28.01.2016

Between:

P.Mohan Rao

... Petitioner

and

-
The State of Andhra Pradesh
rep. by its Prl.Secretary
Industries & Commerce (Mines-II) Dept.,
Hyderabad and 4 others

...Respondents

Counsel for the petitioner:

Mr.Gaddam Srinivas

Counsel for respondent Nos.1, 2 & 5:
Commerce

AGP for Industries &

Counsel for respondent No.3:

AGP for Revenue

Counsel for respondent No.4:

AGP for Panchayat Raj

The Court made the following:

Order :

This Writ Petition is filed for a Mandamus to declare the action of the respondents, in not considering the petitioner's representation, dated 11-18-2015, for reduction of mining area from 5.25 Hectares to 4.27 Hectares, as illegal and arbitrary.

The learned Assistant Government Pleader for Mines and Geology (Andhra Pradesh), on instructions, submitted that the lease for sand mining granted to the petitioner on 31-03-2012 has expired on 11-09-2015 and that therefore, the petitioner is not entitled to seek reduction of the mining area in respect of the expired lease.

The learned Counsel for the petitioner, while admitting that the lease period has expired, however, submitted that since the river is an interstate river, lease in excess of 5 hectares requires environmental clearance by the Central Government and that in order to obtain environmental clearance from the State Government without reference to the Central Government for the purpose of seeking refund of the second year deposit made by him with the Mines Department, the petitioner sought reduction of the mining area to 4.27 hectares.

To my mind, the whole effort of the petitioner appears to be a futile exercise. One cannot visualise reduction of mining area after the lease

period itself has expired. If the petitioner is entitled to seek refund of the second year deposit for any legally sustainable reason, he can, by all means, approach the respondents for this purpose. Therefore, while I do not find any purpose in the petitioner seeking reduction of mining area in view of expiry of the lease period, he is, however, left free to approach respondent No.2 for refund of the deposit amount, if he is entitled to do so in accordance with law.

Subject to the above observations, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.3073 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 28th January, 2016
LUR