

THE HONB'E JUSTICE CHALLA KODANDARAM

WRIT PETITION No.343 OF 2014

ORDER:

The writ petition is filed questioning the action of the 2nd respondent in not granting the permission to the petitioner to lift the sand from the petitioner's agriculture land situated at Amidalapadu and Pidatapolu Villages, Muthukur Mandal, Nellore District.

Respondents 1 and 3 filed their separate counter-affidavits. Neither in the counter-affidavits nor in the writ affidavit filed by the petitioner, it is stated that the petitioner had approached the authorities setting out the grievance which he is facing. So far as, the relief claimed against the 4th respondent for grant of permission to lift the sand is concerned, petitioner himself had stated that a temporary permit for extraction of 7.810 cbm of ordinary earth over an extent of 1.93 acres in Sy.No.798B and 799B, 79.10 of Amudalapadu Village, Muthukur Mandal, Nellore District was granted on 18.11.2013. There is no averment in the writ petition that thereafter the petitioner approached the authorities seeking for any permission. In those circumstances, the writ affidavit filed by the petitioner is not clear as to what the petitioner actually seeking the relief from this Court. More importantly, there being fundamental principles for issuance of Mandamus even at the first instance the petitioner should have approached the authorities seeking the relief which he seeks by pointing out the provisions, under which he is seeking the relief and it is only when if there is an inaction, the petitioner would be entitled to approach this Court. In the present case, the same is absent. In those circumstances, the writ petition is liable to be closed

Accordingly, the writ petition is closed. However, it is left open to the petitioner to work out his remedies in accordance with law. Interim order dated 03.01.2014 granted by this Court stands vacated. No order as to costs.

Date:14.11.2016,
Gk.

CHALLA KODANDA RAM,J

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