

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 35922 OF 2016

ORDER :

The case of the petitioner is that he made the Application dated 29.08.2009 for grant of quarry lease. Based on the report of the 4th respondent, Assistant Director of Mines & Geology, the 3rd respondent Deputy Director of Mines & Geology granted quarry lease in favour of the petitioner over an extent of Acs.4.00 in Survey No. 1338/A of Nannur Village, Orvakal Mandal, Kurnool District, for five years. While the matter stood thus, the 3rd respondent issued the show cause notice dated 01.08.2015 on the ground that the petitioner has not paid advance deed rent for the financial year 2014-15 and monthly returns and quarterly returns for the year 2013-14. Subsequently, the 3rd respondent determined his quarry lease, *vide* proceedings, dated 02.09.2015 and requested the 4th respondent to forfeit his security deposit. Against the said order, the petitioner is said to have filed an Appeal before the 2nd respondent, on 11.09.2015. Now, the grievance of the petitioner is that the 2nd respondent neither passed orders in the said Appeal nor allowed him to carry on the mining operations, though the lease period is subsisting till 07.08.2021.

Learned counsel for the petitioner submits that the ground on which the lease was cancelled no longer subsists, as the petitioner, as on date, has no arrears of rents and hence, there is no justification in cancelling the lease granted in his favour.

Learned Government Pleader for Mines & Geology (Andhra Pradesh) submits that the petitioner has not rectified the breaches

nor submitted his explanation to the show cause notice dated 01.08.2015, hence, the order dated 02.09.2015 cannot be found fault with.

Since the Appeal filed by the petitioner against the order dated 02.09.2015 is pending before the appellate authority, the 2nd respondent herein, it is not necessary for this Court to express any opinion on the merits of the matter. Suffice, if a direction is issued to the 2nd respondent to consider and decide the Appeal said to have been filed by the petitioner, after providing him an opportunity of hearing, within 12 weeks from the date of receipt of a copy of this order. Ordered accordingly.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

25th October 2016

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CHALLA KODANDA RAM, J

