

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 41586 of 2015

ORDER:

The prayer of the petitioner in this case is as under:-

“The Hon'ble Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in not considering representation of the petitioner dated 01.07.2015 and 17.12.2015 seeking to consider its case for issuance of Transit Passes for lifting about 13,000 cbms of Sand from its approved stockyard in sy.No.385/7B & 285/3 of Patha Pattiseema Village, Polavaram Mandal, West Godavari District in pursuance of lease granted by the 1st respondent vide Memo No.1651/SPIU & SAND/A1/2012-4, dt.06.12.2013, along with others who are Petitioner's in W.P.No.37453 of 2014 and W.P.No.38040 of 2014, which is disposed of on 13.11.2015 as arbitrary, illegal, unjust, contrary to the provisions of Mines & Minerals (Development & Regulation) Act, 1957, A.P.Minor Mineral Concession Rules, 1966 and A.P.Mineral Dealers Rules, 2000 apart from against the rights guaranteed under Article 14 & 300 of Constitution of India and pass such other order or orders as the Hon'ble Court deems fit and proper in the interest of justice.”

2. Despite the matter being adjourned four times to enable the learned Assistant Government Pleader for Mines and Geology to get instructions, he was only able to procure information to the effect that the matter is pending before the Collector, West Godavari District, and that upon the receipt of the report from the Collector, West Godavari District, action will be taken on the request of the petitioner. This information was conveyed by the Secretary to the Government, Industries & Commerce (M.III) Department, Government of Andhra Pradesh, under Memo dated 03.03.2016, which is placed on record.

3. As the authorities concerned are yet to apply their mind to the petitioner's representations dated 01.07.2015 and 17.12.2015, this Court sees no purpose served in keeping the matter pending for adjudication on merits.

4. The writ petition is accordingly disposed of directing the authorities concerned to consider the petitioner's representations dated 01.07.2015 and 17.12.2015 and take appropriate action thereon, in relation to issuance of transit passes for lifting of about 13,000 cubic metres of sand from the subject location, in accordance with law.

In the event the petitioner's request for issuance of transit passes is refused, the reasons therefor shall be recorded and duly communicated to it. This entire exercise shall be completed expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

March 3, 2016

LMV