

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.40134 OF 2012

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, assails the action of the respondents in not refunding the lease amount deposited by the petitioner in pursuance of the auction conducted on 30.10.2009 for grant of lease hold rights for Kotikalapudi Sand Reach, Ibrahimpattam District.

2. Heard Sri G.Srinivas, learned counsel, representing Sri A.Sanjeev Kumar, learned counsel on record, appearing for the petitioner and learned Government Pleader for Mines and Geology, appearing for the respondents.

3. The Assistant Director of Mines and Geology – 4th respondent herein issued a notification bearing No.772/Q/2007, dated 30.10.2008, proposing to hold public auction for leasing out the Sand Reaches in Krishna District including Kotikalapudi Sand Reach, which is the subject matter of the present writ petition. The respondents conducted auction on 30.10.2009 and the petitioner herein emerged as highest bidder by quoting an amount of Rs.1,03,60,000/-. Subsequently, the District Collector, Krishna District, vide proceedings No.6443/S/2008, dated 02.11.2009, confirmed the lease in favour of the petitioner herein, pursuant to which, the petitioner herein also entered into lease agreement in Form-G-1 with the Assistant Director of Mines and Geology on 09.11.2009.

4. This Court in W.P.M.P.No.31202 of 2009 in W.P.No.24013 of 2009, filed by one Mr.M.Tata Rao and another, arraying the petitioner herein as 5th respondent therein, suspended the auction proceedings in respect of the Kotikalapudi Sand Reach. According to the learned

counsel for the petitioner, the said writ petition is still pending before this Court and the lease period granted in favour of the petitioner herein came to an end after expiry of the term.

5. In the above background, petitioner herein appears to have submitted a representation dated 13.10.2012 to the Assistant Director of Mines and Geology, requesting for refund of the amount paid in connection with the above said lease. The Assistant Director of Mines and Geology, vide letter No.6443/S/2008, dated 02.11.2012, requested the Director of Mines and Geology, Hyderabad, to take necessary action in the matter. According to the learned counsel for the petitioner, despite the said letter dated 02.11.2012, no further action in the direction of redressing grievance of the petitioner has been taken by the respondents herein. Today when the matter is called, it is submitted by the learned counsel for the petitioner that on a representation made by the petitioner herein on 11.08.2012, the State Government vide Memo dated 07.08.2015 made a request to the Assistant Director of Mines and Geology to take necessary action.

6. No counter affidavit has been filed denying the averments made in the affidavit filed in support of the writ petition nor in the direction of justifying the impugned action. No plausible explanation is also forthcoming from the respondents as to why the amounts have not been refunded to the petitioner despite the letter addressed by the Assistant Director of Mines and Geology.

7. The information, as set out supra, available before this Court clearly demonstrates that there is absolutely no justification on the part of the respondent authorities in not refunding the amount paid by the petitioner herein. Having regard to the facts and circumstances of the case and keeping in view of the letter addressed by the Assistant Director of Mines and Geology and the Memo dated 07.08.2015 of the State Government, this Court is of the considered opinion that the ends

of justice would be served if the respondents are directed to pay back the amounts deposited by the petitioner with interest by fixing some timeframe.

8. For the aforesaid reasons, Writ Petition is allowed, directing the respondents herein to refund the amounts paid by the petitioner pursuant to the auction notice bearing No.772/Q/2007, dated 30.10.2008, with interest @ 6% per annum from the date of respective payments, within a period of six months from the date of receipt of a copy of this order.

9. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

05.07.2016
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