

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27493 OF 2016

DATED : 15.11.2016

Between :

Smt V. Uma Shanti W/o.V.Venkateswara Reddy,
Aged 37 yrs, R/o.Plot No.201,
Subba Reddy Towers, Anjaiah Road,
Ongole, Prakasam District.

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Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Industries and Commerce (M.I) Department,
A.P.Secretariat, Hyderabad & Others.

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Respondents



This court made the following :

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ORDER :

Petitioner was granted quarry lease operations to quarry colour granite in an extent of 1.600 hectares in Sy.No.1 of Tirumala Kuppam Village, Puttur Mandal, Chittoor District. Consequent to the orders of the 2nd respondent dated 29.08.2009, lease deed was entered into for a period of 20 years and was granted work orders on 24.10.2009, and thereafter petitioner has been undertaking quarrying operations.

2. While so, on 07.06.2016 petitioner received a show cause notice holding that the surveyor and technical staff who have inspected and surveyed the quarry lease area on 25.05.2016, reported that petitioner has not erected lease boundaries as per lease deed, sketch and further to re-fix the lease boundaries. They have also alleged that petitioner worked out side the lease area. It appears that petitioner submitted explanation against the said show cause notice. Not accepting the said explanation, demand notice was issued on 01.07.2016. The said demand notice was challenged before this Court in W.P.No.23129 of 2016. The said demand notice was set aside directing the competent authority to consider the application and pass a reasoned order on the demand sought to be made.

3. In this writ petition, the grievance of the petitioner is that she was not granted dispatch permits for dispatching colour granite, even though, she has a subsisting lease in her favour.

4. Heard Sri O.Manohar Reddy, learned counsel for the petitioner and learned Government Pleader for Mines and Geology.

5. Learned counsel for the petitioner submits that as long as the lease is in subsistence, quarrying operations can go on and the authorities cannot refuse to grant permits for transporting granite stone and such action is ex-facie illegal. He would further submit that since demand notice is set aside by this Court and the matter is remitted for fresh consideration, refusing to grant dispatch permits is ex-facie illegal.

6. Stoutly opposing the said contention, learned Government Pleader submits that petitioner is now undertaking quarrying operations in different area from the area in which the original lease was granted and the same is ex-facie illegal. By pointing out that in the survey conducted with WGS-84 Datum and sketch prepared thereon would show that the area of operation is different from the area of operation on which lease was granted. Petitioner submitted application for making suitable changes in the lease deed. Along with the application the map is also enclosed. She would further submit that since, admittedly petitioner is undertaking quarrying operations in an area different from the area on which lease was granted, until the application is considered and suitable orders are passed, petitioner cannot undertake quarrying operations and cannot be permitted to dispatch the stone quarried.

7. As seen from the map enclosed to the application, there is merit in the contention of the learned Government pleader. Apparently, petitioner is undertaking quarrying operations in an area different from the area on which lease was granted. Thus, until suitable orders are passed accepting the request of the

petitioner, changing the terms of the lease, petitioner cannot undertake quarrying operations and cannot seek permits.

8. Learned counsel for the petitioner would submit that a direction be issued to the respondents to consider the application submitted by the petitioner on 31.05.2016 and to pass orders expeditiously.

9. Having regard to these submissions, the Writ Petition is disposed of directing the 2nd & 3rd respondents to consider the application submitted by the petitioner on 31.05.2016 wherein she has requested to rectify the area of operation of quarrying and to pass appropriate orders as warranted by law, as expeditiously as possible, preferably within a period of six (6) weeks, from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

15th November, 2016
Rds

P.NAVEEN RAO,J

