

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.117 of 2016

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue direction or order or writ, more in the nature of Writ of Mandamus declaring the inaction of the respondents 5 to 11 in not granting No Objection Certificate in favour of the petitioner, for grant of Quarry Lease over the land in an extent of 108.61 Hectares of land situated in Survey No.1057 of Mudiur Village of Pitchatur Mandal of Chittoor District, despite reference made to the Revenue Divisional Officer, Chittoor i.e., 7th respondent, by the 4th respondent i.e., ADMG, Chittoor, for no objection certificate vide his letter No.9517/Q/2013 dated 24.12.2013, as arbitrary, illegal, unjust and unconstitutional and to consequentially direct the respondents 5 to 11 to grant No Objection Certificate in favour of the petitioner, for grant of Quarry Lease for the land in an extent of 108.61 Hectares of land situated in Survey No.1057 of Mudiur Village of Pitchatur Mandal of Chittoor District within a time schedule and on which to direct the Respondents 1 to 4 to grant Quarry Lease to the petitioner for the aforesaid land pass such other order or orders may deem fit and proper in the circumstances of the case.”

Despite the matter being adjourned on 18.01.2016 to enable the learned Assistant Government Pleader to get instructions in the matter, he fairly states that he was not furnished with any written instructions by the authorities.

The issue relates to the processing of the petitioner’s application for grant of a quarry lease. Processing of such applications is governed by the provisions of G.O.Ms.No.181, Industries & Commerce (Mines-I) Department, dated 28.05.1998. Insofar as the issuance of a ‘No Objection Certificate’ (NOC) is concerned, G.O.Ms.No.2, Revenue (Assignments.I) Department, dated 02.01.2013 provides for a joint inspection to be undertaken by the Revenue Divisional Officer, Divisional Forest Officer and Assistant Director (Mines and Geology) concerned and the report of such inspection is to be considered by a District Level Screening Committee which is to

take a decision on the issuance of the NOC. Both G.O.Ms.No.181 dated 28.05.1998 and G.O.Ms.No.2 dated 02.01.2013 provide time stipulations for discharge of the obligations vested upon them by the authorities concerned thereunder. Despite the same, the authorities are unmindful of the requirement of processing the application within the time frame. This delay on the part of the authorities cannot be countenanced in terms of the specific time stipulations mentioned in the G.Os.

The writ petition is accordingly disposed of directing the respondent authorities to process the petitioner's application in terms of the aforestated G.Os. and as the time stipulated thereunder has already expired, this exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

SANJAY KUMAR, J

Date:03.02.2016

GJ