

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 1470 of 2012

Order:

The petitioner submitted an application on 21.04.2008 for grant of quarry lease for the Mineral – Black Granite in an extent of 2.000 Hectares in Survey No.'O', Gap Area of Anupalli village, Ramachandrapuram Mandal, Chittoor District. The area was inspected by the Village Revenue Officer on 16.12.2010 and submitted a report to the third respondent recommending for grant of quarry lease. The third respondent, by proceedings dated 16.12.2010, addressed to the first respondent informing the classification and availability of the area and recommending for grant of quarry lease in an extent of Ac.5.00 in Survey No.490 of Anupalli village to the petitioner. The second respondent also addressed a letter to the first respondent informing that he personally inspected the area along with Tahsildar, Gudipala and stated that he agrees with the report of the third respondent. The third respondent also addressed a letter to the fifth respondent to furnish a report with regard to grant of 'No Objection Certificate' on the directions of the first respondent on 18.03.2011. The fifth respondent addressed a letter to the third respondent on 11.06.2011 informing that the applied area does not belong to reserve forest and it is about 5.00 KMs away from the reserve forest boundary. The third respondent, accordingly, sent the report of the fifth respondent, dated 11.06.2011, by his proceedings dated 13.06.2011. However, the first respondent issued proceedings on 22.09.2011 addressing the third respondent and stating that from the village map the classification of the land is noted as Reserve Forest. He also stated that though the Tahsildar stated that it is not Reserve Forest as it was lying in the gap area, it was not supported by sufficient grounds. He further stated that grant of quarry lease would cause damage to ecology and environment and entire area should be entered in

prohibitory order book (POB). The said proceedings of the first respondent, dated 22.09.2011, are challenged in the present Writ Petition.

2. When this Writ Petition is pending, the seventh respondent passed an order on 06.07.2015 rejecting the application of the petitioner for grant of quarry lease and the learned counsel for the petitioner submits that challenging the same, a revision was filed before the Government and the said revision is pending for disposal.

3. Be that as it may, the present issue relates to the direction of the first respondent to the third respondent to enter the gap area in the prohibitory order book. It is for the third respondent to issue 'No Objection Certificate' based on the records available with him and the said area cannot be entered in the prohibitory order book based on the directions of the higher authority. The impugned order of the first respondent dated 22.09.2011 has no sanctity in law. If the land is required to be entered in the prohibitory order book, appropriate action has to be taken in accordance with law.

4. In the circumstances, this Writ Petition is allowed setting aside the order of the first respondent dated 22.09.2011 and remanding the matter to the third respondent to consider the issue with regard to classification of land as per the available revenue records and submit a fresh report to the respondents 6 and 7 within a period of three (3) months from the date of receipt of a copy of this order and, based on the said report, appropriate action shall be taken by the competent authority under the AP Minor Mineral Concession Rules, 1966, subject to pending Revision. However, in the circumstances, no costs.

5. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 08.03.2016
Nsr

RAMALINGESWARA RAO, J.