

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.10368 OF 2016

ORDER:

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

“For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or direction, more particularly in the nature of a mandamus declaring the action of the 4th respondent in not sanctioning the temporary permits for lifting of the 2000 Cubic Meters of Canal Spoil soil/muck from Km.151.000 to 151.550 of S.S.G. Canal as per the Agreement No.05 SE/2014-15, dated 07-08-2014 as well as proceedings of the 3rd respondent vide Memo.No.5130/TP/CTR/2014, dated 16-12-2014, as arbitrary, illegal, contrary to law and consequently direct the respondents herein to issue temporary permits for lifting the said material in favour of the petitioner forthwith in the interest of justice.”

Written instructions were furnished by the Assistant Director of Mines and Geology, Chittoor, to the office of the learned Government Pleader for Mines and Geology, wherein he admitted that under original agreement dated 07.08.2014 and proceedings dated 16.12.2014, the petitioner was granted permission to lift 5,000 Cubic Metres of Canal Spoil Soil from 151.00 km to 151.550 km of SSG Canal for a sum of Rs.2,00,000/-. It appears that the petitioner was also issued temporary permits for lifting of 3,600 Cubic Metres of Canal Spoil Soil. At that stage, it appears that one Senthil Kumar filed W.P.No.5189 of 2016 questioning the permission granted to the petitioner but the said writ petition was dismissed on 11.03.2016 refusing to interfere with the decision of the authorities.

In the light of the afore-stated instructions, it is clear that there is no reason as to why the mining authorities should refuse to issue the permits for lifting of the balance 1,400 Cubic Metres of Canal Spoil Soil as per the agreement dated 07.08.2014 and the proceedings dated

16.12.2014.

The writ petition is accordingly disposed of directing the respondent authorities to comply with their contractual obligations under agreement dated 07.08.2014 and in terms of proceedings dated 16.12.2014 by issuing necessary permits to the petitioner. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

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

**JUSTICE SANJAY
KUMAR**

6th April, 2016

Note:-

Issue CC in two days.

B/o

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