

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.4879 of 2017

ORDER:

1. This writ petition is filed by petitioner questioning the orders of the 2nd respondent dated 27.1.2016 in determining quarry lease for colour granite over an extent of 1,755 hectares in Sy.No.1202/P of Badikayalapally village, B. Kothakota Mandal, Chittoor District, and the orders of the 1st respondent dated 11.1.2017 in rejecting and returning the revision application.

2. The case of the petitioner is as follows:

The petitioner was granted quarry lease for colour granite over the above land by the Director of Mines and Geology vide proceedings dated 4.4.2012, for a period of 20 years with a condition that the petitioner-lessee shall submit Consent for Establishment and Consent for Operation from A.P. Pollution Control Board and Environmental Clearance from the Government of India. The petitioner submitted an application for environmental clearance. The Committee concerned recommended for issuance of environment certificate to the project subject to submission of certificate from Mines and Geology Department. Due to ill-health, the petitioner's proprietor underwent treatment and after his recovery, he approached the office of the Assistant Director of Mines and Geology along with dead rent totalling to Rs.4,94,875/-. He was instructed to deposit income tax of Rs.7,523/-. The said amount was also deposited and a request was made for permission for transportation of mineral. But the petitioner was informed that the quarry lease is determined by the Director of Mines and Geology. The petitioner preferred a revision before the 1st respondent, along with condone delay application. The said revision

application was rejected on the ground that it is not in consonance with Rule 35-A of the APMMC Rules. Aggrieved by the same, the petitioner filed this writ petition.

3. Heard and perused the material available on record.

4. Considering the circumstances of the case and the grievance of the petitioner, without expressing any opinion on merits, this Court is inclined to pass the following order:

“The petitioner is directed to file a fresh revision along with condone delay application and the other material papers before the 1st respondent on or before 15th July, 2017. On such revision being filed along with the condone delay application, the 1st respondent is directed to entertain the revision and pass a detailed order, after giving an opportunity to the petitioner, within a period of eight weeks thereafter.”

5. Accordingly, the Writ Petition is disposed of. No costs. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

RAJA ELANGO, J

Date: 22nd June, 2017
Nn

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