

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37584 of 2016

ORDER:

1. This writ petition is filed by petitioner seeking to declare the order of the 2nd respondent dated 14.3.2016 in determining the quarry lease in an extent of 1.000 Hectare in the Area of Gudipala Village and Mandal, Chittoor District, as arbitrary and illegally, and consequently to set aside the same and to direct the respondents not to interfere with the lease hold rights of the petitioner over the above land.

2. Brief facts of the case are as follows:

Originally, the application of the 5th respondent for quarry lease in the above land was rejected. Challenging the same, the 5th respondent filed a revision before the 1st respondent. The 1st respondent allowed the revision vide proceedings dated 9.1.2008, while setting aside the rejection proceedings. The 6th respondent, who claimed to have made an application for quarry lease for the above land, challenged the said proceedings dated 9.1.2008 by filing W.P.No.4169 of 2008. While it was pending, the 2nd respondent granted quarry lease in favour of the 5th respondent subject to the result of W.P.No.4169 of 2008. The 5th respondent carried on the quarry operations for over half-a-decade and later, transferred the quarry lease in favour of the petitioner on 11.7.2013. The 2nd respondent, vide proceedings dated 11.7.2013 accorded permission for the said transfer. On 29.10.2014, this Court allowed W.P.No.4169 of 2008 filed by the 6th respondent. On 7.8.2015, the 2nd respondent issued a show cause notice to the 5th respondent and the petitioner herein. The petitioner gave a representation to the 2nd respondent requesting to grant time for filing his explanation. The 2nd respondent without any further

intimation to the petitioner, passed the impugned order determining the lease in favour of the petitioner herein. Aggrieved by the same, the petitioner filed this writ petition.

3. It is the case of the petitioner that the petitioner was not put on notice about the said writ petition and he was not a party in the said writ petition and that he invested huge amounts and that he has no knowledge about the said writ petition till notice was given to him. He further contended that the 2nd respondent ought not to have passed the impugned order without giving any opportunity to the petitioner.

4. Learned Government Pleader for Mines and Geology submitted that the quarry lease was granted in favour of the 5th respondent subject to the result in W.P.No.4169 of 2008 and subsequently, the quarry lease was transferred to the petitioner and that the conditions applicable to the 5th respondent would also be made applicable to the petitioner also. He further submitted that while transferring the quarry lease, the said condition was mentioned as to the granting of lease subject to result in the writ petition and that the grounds raised by the petitioner are not correct. He further contended that in obedience to the orders passed by this Court in W.P.No.4169 of 2008, the official respondents passed the impugned proceedings and there is no illegality in the order impugned.

5. It is evident from the record that the order impugned was passed in compliance with the orders passed by this Court in W.P.No.4169 of 2008. Further, the contention of the learned Counsel for the petitioner that the petitioner has no knowledge about the earlier writ petition, cannot be accepted since it is apparent on record that the conditions which were imposed while granting lease in favour of the 5th respondent would also be

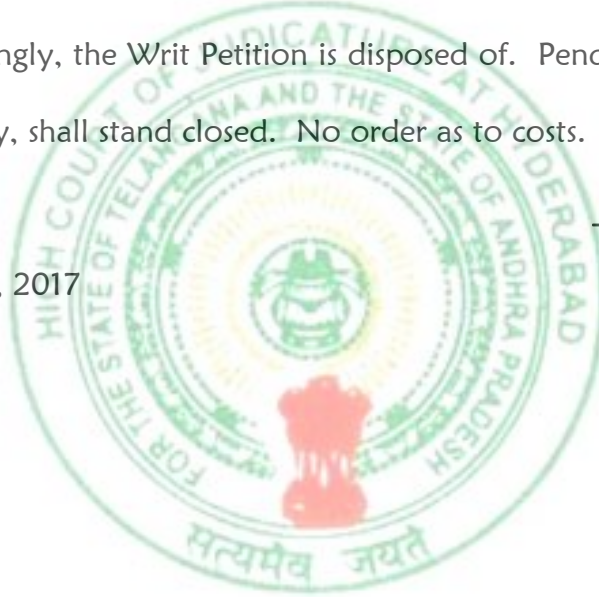
made applicable to the petitioner in whose favour such quarry lease was transferred.

6. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the order impugned. However, the petitioner can be directed to make a representation before the authorities concerned by raising all the contentions, which were raised in this writ petition. On such representation being made, the authorities concerned are directed to consider the same in accordance with law, within a period of three months thereafter.

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

Date: 21st June, 2017
Nn

RAJA ELANGO, J



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