

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26713 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Mines & Geology.

The grievance of the petitioner, in the present Writ Petition, is the alleged inaction on the part of the respondents, in renewing her quarry lease application dated 19.11.2009 in respect of the area admeasuring Ac.1.00 in Sy.No.12/21 situated at Ogipur village, Tandur Mandal, Ranga Reddy District.

Earlier the petitioner herein filed W.P.No.10245 of 2010, alleging inaction on the part of the respondents in considering her application filed for renewal of the quarry lease. This Court, by way of an order dated 29.04.2010, disposed of the said Writ Petition, directing the respondents to dispose of the petitioner's renewal application, if not already done, within a period of four weeks from the date of receipt of a copy of the said order. Subsequently, the petitioner herein filed W.P.No.18955 of 2010 questioning the letter bearing No.Let.E2/2207 of 2008 dated 04.02.2010 issued by the District Collector, Ranga Reddy District, Hyderabad. The said Writ Petition was disposed of by this Court on 07.10.2010 holding the said letter as illegal and

arbitrary and, accordingly, set aside the said letter and directed the first respondent/District Collector to direct the Tahsildar concerned to issue 'No Objection Certificate' to the petitioner on the basis of the report submitted by the Sub-Collector within a period of four weeks from the date of receipt of a copy of the order. Later, the petitioner herein approached this Court, by way of W.P.No.28575 of 2010, alleging inaction on the part of the respondents in renewing the lease. This Court disposed of the said Writ Petition, by way of an order dated 19.12.2011, and the operative portion of the said order reads as under:

"It is evident from the order of the Director of Mines and Geology dated 21.11.2011 that the direction to consider petitioner's renewal application is only on recovery of the entire amount due from the petitioner. As such, as and when the petitioner remits the said entire balance amount, her application for renewal of the lease aforesaid shall be considered in accordance with law and appropriate orders be passed thereon expeditiously".

Now, in the present Writ Petition, the petitioner herein once again alleges inaction on the part of the respondents herein in renewing the quarry lease application dated 19.11.2009. According to the learned counsel for the petitioner the action impugned is highly illegal, arbitrary, unreasonable and cannot be sustained in the teeth of the orders already passed by this Court in the earlier Writ Petitions filed by the petitioner.

On the other hand, it is the submission of the learned Government Pleader that the Writ Petition is liable to be dismissed on the sole ground of laches and delay and the present Writ Petition cannot be maintained in view of the earlier Writ Petition No.28575 of 2010.

A perusal of the order in W.P.No.28575 of 2010 dated 19.12.2011 discloses that this Court directed the respondents herein to consider the application of the petitioner for renewal of the lease in accordance with law and to pass appropriate orders subject to payment of the amount due from the petitioner herein. According to the learned counsel for the petitioner the amount, as indicated in the above said order, was paid in the year 2011 itself. It is also an admitted reality that the earlier order was passed by this Court as long back as on 19.12.2011 and the petitioner herein did not take any steps for filing any Contempt Case alleging wilful disobedience of the said order. There is also no reason whatsoever forthcoming in the affidavit, filed in support of the Writ Petition, as to the abnormal delay since the disposal of the earlier Writ Petition. Therefore, this Court is not inclined to entertain the present Writ Petition.

For the aforesaid reasons, the Writ Petition is dismissed.
Miscellaneous petitions, if any, pending shall stand closed.
There shall be no order as to costs.

A.V.SESHA SAI, J

09th August, 2017
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