

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

WRIT PETITION No.11423 of 2017

Date: 18-09-2017.

BETWEEN:

M/s. Suneetha Mining Company
Having its office at DVR Palli Gudur,
Andhra Pradesh.

...Petitioner.

AND

The State of Andhra Pradesh,
Rep by its Secretary,
Industries and Commerce (Mines) Department,
Secretariat, Velagapudi,
Guntur District and others.

...Respondents.



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

WRIT PETITION No.11423 of 2017

ORDER:

Heard Sri M.V.S.Suresh Kumar, learned Senior Counsel who is representing the counsel on record for the petitioner, learned Government Pleader for Mines and Geology for respondents 1 to 3 and Smt. A. Jayanathi, learned counsel representing for respondent No.5.

2. The Director of Mines and Geology, vide proceedings No.81/R3-1/2001, dated 17-05-2016, granted quarry lease in favour of the petitioner herein over an extent of 24.281 hectares in Survey No.291/1-A of Thamminapatnam Village, Chillakuru Mandal, Nellore District for a period of 20 years. Pursuant to the same, a lease deed was also entered into for a period of 20 years, commencing from 20-05-2016 to 24-05-2036. The Director of Mines and Geology, vide letter bearing No.81/R3-1/2001, dated 27-07-2016, made a request to the Managing Director, APIIC-5th respondent herein for resumption of the land from APIIC in the light of the G.O.Ms.No.74, Industries & Commerce (M.I) Department, dated 16-02-2002. Subsequently, the District Collector-4th respondent herein also addressed a letter, dated 09-09-2016, to the 5th respondent with a request to give further instructions in the matter. The Director of Mines and Geology, vide Letter No.2356/P/2017, dated 30-03-2017, requested the State Government-first respondent herein and the last paragraph of the said letter reads as under:

“In the circumstances stated above an extent of 2346 Acres of Silica Sand available in the form of dunes covering in

the 5 villages of Chillakur & Kota Mandals of SPSR Nellore District which was proposed for acquisition by the APIIC may be exclusively reserved for mining sector for catering of future industrial needs as there is no substitute to the Silica Sand occurred in this area in the Country. The demarcated Silica Sand bearing area sketches of the above 5 Villages are shown in the village maps along with the annexure with details of survey numbers and its extents is enclosed here with for ready reference.”

3. The Revenue Divisional Officer also wrote a letter to the District Collector, Nellore District vide Rc.A2.1897/2015, dated 18-09-2017, soliciting necessary instructions to General Manger, APIIC regarding resumption of the unutilized land.

4. In the present writ petition obviously the grievance of the petitioner is the alleged inaction on the part of the respondents herein in resuming the land admeasuring Acs.60-00 cents from the possession of the 5th respondent. According to the learned counsel for the petitioner, as per G.O.Ms.No.74, Industries and Commerce (M1) Department, dated 16-02-2002, lands having rich/concentrated Mineral Wealth should not be allotted for any other purpose other than mining. It is further submitted by the learned counsel for petitioner that the Government reiterated the same thing vide Memo No.66353/Assignment-1(1)/2008, dated 27-02-2008. Admittedly, in the present writ petition, the Director of Mines and Geology obviously, keeping in view the above said governmental orders, addressed a letter to the State Government on 30th day of March, 2017 and even according to the learned Government Pleader, no action has been taken on the said letter so far.

5. Having heard the learned counsel for the petitioner, learned Government Pleader and learned standing counsel for APIIC, this Court deems it appropriate to dispose of the present writ petition, directing the first respondent-State Government to take appropriate suitable action in accordance with law pursuant to the letter bearing Letter No.2356/P/2017, dated 30-03-2017 and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order.

6. Miscellaneous petitions pending consideration, if any, in this writ petition, shall stand closed in consequence.

Date: 18-09-2017

mr**b**

JUSTICE A.V.SESHA SAI

