

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21601 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the inaction of the respondents in passing orders on the application of the petitioner, dated 01.02.2017, for grant of quarry lease for gravel over an extent of 4.000 hectares in Sy.No.192/ 1, Koyachalaka Village, Raghunathapalem Mandal, Khammam District, as arbitrary and illegal.

Heard and perused the material available on record.

The case of the petitioner is that he submitted an application on 01.02.2017 for grant of quarry lease for gravel over an extent of 4.000 hectares of land in Sy.No.192/ 1, Koyachalaka Village, Raghunathapalem Mandal, Khammam District to the 4th respondent – Assistant Director of Mines and Geology along with required fee, survey charges and all other necessary documents. The 4th respondent has forwarded the same to the Tahsildar on 01.02.2017 itself, for issuance of No Objection Certificate. Till date, the survey could not take place and the surveyor has not inspected the land. Since there is no report from the Tahsildar, the 4th respondent has not passed any orders on the application of the petitioner. Hence, this writ petition.

Learned counsel for the petitioner submitted that the petitioner submitted his application on 01.02.2017 and the 4th respondent has forwarded the application on the same day to the Tahsildar for issuance of necessary classification and availability report (NOC), but till date no report was received by the 4th respondent from the Tahsildar. He further submitted that as per G.O.Ms.No.4, Revenue (Assn-I)

Department, dated 19.01.2015, NOC has to be granted within 30 days from the date of receipt of the letter, and if no report is received from Tahsildar within 30 days, the approval is deemed to have been granted as per the guidelines.

Considering the circumstances of the case and the grievance of the petitioner, without going into merits of the case, this Court is inclined to pass the following order:

The respondents are directed to consider the application, dated 01.02.2017, submitted by the petitioner and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above direction the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions pending if any, shall stand closed.

July 03, 2017
KTL

RAJA ELANGO, J

