

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.22769 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the proceedings of Respondents in not considering the representations dated 01.06.2017, 25.06.2017 and 04.07.2017 of the Petitioner for extending the raising contract for de-silting of sand and silt in Moosi River Project at district and inviting short e-procurement tender for the work in Tender Notice No. TSMDC/ Sand/ EXC/Itukalapahad/2017, dated 02.07.2017 as arbitrary, illegal, unjust and unconstitutional, in violation of principles of natural justice and Mines and Minerals (Development & Regulation) Act 1957 and Telangana State Minor Mineral Concession Rules 1966.”

2. Heard learned counsel for the petitioners and learned Government Pleader for Mines and Geology for the 1st respondent and Sri V.Pratap Reddy, learned standing counsel for 2nd respondent, from instructions, while offering to file vakalat and perused the prayer in the writ petition with supporting affidavit and other material on record including the proceedings dated 05.08.2016 in Memo No.10649/M.I(1)/2014-4 of Government of Telangana, Industries and Commerce (Mines-I) Department and also

perused the representations of the petitioner more particularly dated 01.06.2017, 25.06.2017 and 04.07.2017.

3. Undisputedly, the very proceeding under which the benefit availed by the petitioners dated 05.08.2016 was issued by the Principal Secretary to Government (1st respondent to the writ petition), however, there is no letter addressed to the 1st respondent even leave about the 2nd respondent is not the competent authority to consider, even to direct for consideration of the so-called three representations, apart from the fact that the very proceedings of the 1st respondent – Principal Secretary to the Government dated 05.08.2016 is very clear and while extending three months, no further period is entitled to seek for extension. Once having accepted the same, the question of directing to consider the representation does not arise including from the parawise remarks.

4. Accordingly and with the above observation, this writ petition is dismissed. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

18.07.2017
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