

THE HONOURABLE SRI JUSTICE RAJA ELANGO
WRIT PETITION Nos.7430 OF 2006, 18482 OF 2009 &
25942 OF 2005

COMMON ORDER:

W.P.No.7430 of 2006 is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to direct the 2nd respondent to forward the report to the 1st respondent for cancellation of lease granted in favour of the 4th respondent and the 1st respondent should take steps on such report immediately as per the provisions of A.P. Minor Mineral Concession Rules, 1966 and consequently direct the 3rd respondent to withdraw the NOC granted in favour of the 4th Respondent for not complying the proceedings dated 9.9.2005 issued by the District Collector, Prakasam District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. W.P.No.18482 of 2009 is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus:
i) declaring the action of the first respondent in entertaining the proposals of the sixth respondent for alienation of the land of an extent of Ac.2.67 cents in Sy.No.111/1 of R.L.Puram Village, Chimakurthy Mandal, Prakasam District is illegal, arbitrary, and contrary to the Government Orders made in G.O.Ms.No.74, Industries & Commerce (M.1) Department dated 16.2.2002 ii. directing respondents 4 and 5 to consider and dispose of the quarry lease application filed by the petitioner herein on 4.8.2004 forthwith in accordance with the Andhra Pradesh Minor

Mineral Concession Rules, 1966 (iii) directing the sixth respondent to remove the quarry waste dump in an extent of Ac.2.67 cents in Sy.No.111/1 of R.L.Puram Village, Chimakurthy Mandal, Prakasam District.”

3. W.P.No.25942 of 2005 is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue an order or direction or writ more appropriately a WRIT OF MANDAMUS to declare the action of the 2nd and 3rd respondents in not clearing the waste mineral dumped by the 4th respondent in Sy.No.111/1 of R.L. Puram Village, Chimakurthy Mandal, Prakasam District as illegal and further direct the 2nd & 3rd respondents to clear the waste mineral dumped by the 4th respondent in Sy.No.111/1 of R.L. Puram Village, Chimakurthy Mandal, Prakasam District as per the letter No.Rc.E1-3360-2005 dated 09.09.2005 of the 1st respondent forthwith and pass such other order or orders which are deem fit and just.”

4. Since the parties in these writ petitions are one and the same and all these writ petitions are inter-linked, they are being heard and disposed of together by way of this common order.

5. Case of the petitioner is that on 04.08.2004, he made an application to the Director of Mines & Geology, A.P., Hyderabad for grant of quarry lease for black granite in an extent of 1.000 Hectare in Sy.No.111/1 of R.L. Puram Village, Chimakurthy Mandal, Prakasam District. On 16.09.2004, the Mandal Revenue Officer, Chimakurthy issued “No Objection Certificate” (for short, “N.O.C.”) in favour of the petitioner for grant of the mining lease in respect of the aforesaid land. Later, the lease application along with inspection report and N.O.C was forwarded by the Assistant Director of Mines & Geology, Ongole to the Director of Mines &

Geology recommending for grant of quarry lease in favour of the petitioner under single file system. While so, the said lease application was not finalized by the Director of Mines & Geology in view of the letter, dated 22.04.2005, addressed by the District Collector, Prakasam District wherein it is stated that the subject land was registered as "Kalibata" in the revenue records and hence, consent has to be obtained from R.L.Puram Village Gram Panchayat so that if any such consent is obtained from the Gram Panchayat, the Collector has no objection to issue 'N.O.C' for grant of lease in favour of the petitioner. But the said land is being used illegally for dumping waste mineral by the unofficial respondent and therefore, the petitioner cannot get the consent from the said Gram Panchayat. Hence, the petitioner approached the Government for issuing necessary instructions to the District Collector, Prakasam District for which the Government made an endorsement to the District Collector on 09.09.2005 directing the M.R.O., Chimakurthy to take immediate action to clear the waste dump from the subject land as per law and report compliance. As no action is taken, the petitioner filed W.P.No.25942 of 2005 praying to direct the official respondents to clear the waste mineral dumped in the subject land. Praying to direct the concerned officials to cancel the lease granted in favour of the unofficial respondent and also to withdraw the N.O.C issued in favour of the unofficial respondent, the petitioner filed W.P.No.7430 of 2006. The petitioner also filed W.P.No.18482 of 2009 questioning the action of the Government in entertaining the proposal of the unofficial respondent to alienate the subject land in his favour and praying to direct the official respondents to consider his quarry

lease application filed on 04.08.2004 and also to direct the unofficial respondent to remove the quarry waste dump in the subject property.

6. Heard and perused the material available on record.

7. In view of the subsequent developments, the N.O.C. issued in favour of the petitioner itself was cancelled by the District Collector, Prakasam District *vide* letter, dated 22.04.2005. Hence, the petitioner has no *locus standi* to file these writ petitions. Admittedly the subject land belongs to the Government. As the official respondents submitted that the said waste dump would be cleared in due course of time, the official respondents shall take necessary steps in that regard. Insofar as the quarry lease application filed by the petitioner on 04.08.2004 is concerned, if the same is pending, the official respondents shall consider the same and pass appropriate orders in accordance with law.

8. With the above observations, all these Writ Petitions are disposed of. There shall be no order as to costs.

9. Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

JUSTICE RAJA ELANGO

Date : 01.08.2017
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO



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25942 OF 2005**

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