

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14897 OF 2017

ORDER :

The case of the petitioner is that he has been granted temporary permit for a period of six months for quarrying the gravel in an extent of Acs.2.10 cents in Survey No. 74/8 of Porlupalem Village, Pendurthi Mandal, Visakhapatnam District. Though the petitioner complied with all the formalities and also obtained no objection from the 3rd respondent Tahsildar as far back as in October 2016, permits are not being issued for excavating and quarrying the metal. Hence, the Writ Petition.

Heard learned counsel for the petitioner.

Learned Government Pleader for Mines & Geology submits that there is a complaint against the petitioner that he has been conducting quarrying operations in Survey No. 74/20, though he was granted permission only to quarry in Survey No. 74/8. According to the learned Government Pleader, on 16.01.2017, the technical staff of the department had inspected the site and thereafter, based on their observations, a letter was addressed to the Tahsildar on 21.01.2017 to conduct a joint survey and report back and the said report is awaited. The learned Government Pleader further submits as there was a dispute regarding quarrying the metal, taking into consideration the letter addressed by the M.L.A. on 10.02.2017, the 2nd respondent directed the 3rd respondent Tahsildar to conduct survey and submit a report.

The controversy is in a narrow compass. There is no dispute that the petitioner has been granted quarry lease over an extent of Acs.2.10 cents in Survey No. 74/8 of Porlupalem Village, Pendurthi

Mandal and also in Survey No. 85/6. The quarrying operations were interfered on account of there being identity issue as to whether the petitioner has been quarrying in Survey No. 74/8 or in Survey No. 74/20. The 4th respondent had already taken necessary steps to resolve the issue and had also addressed a letter to the 3rd respondent.

In those circumstances, there shall be a direction to the 3rd respondent to complete the survey within two weeks from the date of receipt of a copy of this order after issuing notice to the petitioner as well as the objectors Sri R. Suresh and Sri R. Kishore, who have been granted licence to quarry the metal in Survey No.74/20 and within two weeks from the date of receipt of the report from the 3rd respondent, the 4th respondent shall pass necessary orders.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

CHALLA KODANDA RAM, J

25th April 2017

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