

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

WRIT PETITION No.27578 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Mines & Geology.

In the present Writ Petition a show cause notice, bearing No.5414/Q5/2008 dated 18.03.2017 issued by the Deputy Director of Mines & Geology, Guntur-third respondent herein, is under challenge.

According to the petitioner, he submitted an application for grant of quarry lease for Road Metal in respect of the area admeasuring Ac.144.88 cents in Sy.No.1, Sanayapalem village, Rapur Mandal, SPSR Nellore District. The fifth respondent vide L.Dis.(E2).2429/08 dated 07.06.2008 addressed to the seventh respondent herein, calling for report. It is further submitted that the fourth respondent issued notice, bearing Lr.No.2080/Q/2008 dated 17.11.2008, proposing to conduct survey and inspection on 15.12.2008 and directed the petitioner herein to attend and, accordingly, he attended the office of the fourth respondent and survey was conducted on 15.12.2008 demarcating an extent of Ac.15.00. It is further stated that the seventh respondent, after holding survey and inspection, submitted a report to the fifth respondent in Rc.B/198/2009

dated 22.02.2009, recommending for issuance of 'No Objection Certificate'. It is averred in the writ affidavit that, since then, the petitioner has been approaching the office of the fifth respondent requesting for issuance of NOC but till today no such certificate has been issued. The Deputy Director of Mines & Geology-third respondent herein issued the impugned show cause notice bearing No.5414/Q5/2008 dated 18.03.2017, calling upon the petitioner to show cause as to why action should not be initiated for rejection of the quarry lease application on the ground that the petitioner was not cooperating for survey and inspection. In response to the said show cause notice, the petitioner herein submitted an application on 04.04.2015. It is submitted by the learned counsel for the petitioner that, so far, no action has been taken, pursuant to the submission of the said explanation. It is further submitted by the learned counsel for the petitioner that the respondent authorities are proceeding with the grant of mining lease in favour of third parties without passing any orders on the impugned show cause notice.

Having heard the learned counsel for the petitioner and the learned Government Pleader, this Court is of the considered opinion that the ends of justice would be served if the third respondent is directed to pass final orders pursuant to the show cause notice dated 18.03.2017 by taking into consideration the

explanation, said to have been submitted by the petitioner on 04.04.2017, and, after affording an opportunity of being heard to the petitioner, within a period of three months, if no final orders are passed till date.

The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

18th August, 2017
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