

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.5516 OF 2017

ORDER:

Heard Ms.Vijaya Lakshmi holding for Ms.Shoba for petitioner.

The petitioner prays for Mandamus declaring the action of respondent No.3 in not considering representation submitted by the petitioner dated 28.01.2017 for conducting survey and inspection of 11.000 hectares in Survey No.24 of Molangur Village, Shankarpatnam Mandal, Karimnagar District and submitting report to 3<sup>rd</sup> respondent on the application dated 25.04.2015 filed by petitioner for grant of quarry lease, as illegal, arbitrary and unconstitutional.

The petitioner does not dispute that one of the requirements for consideration of an application made for grant of quarry lease is 'no objection certificate' issued by the Revenue Department, for the land under consideration for grant of mining lease. The 3<sup>rd</sup> respondent filed counter affidavit and on the consideration of petitioner's application for grant of 'no objection certificate' states thus:

“ It is submitted that request of the petitioner for re-survey and inspection of area in Sy.No.24 situated at Molongur village of Shankarapatnam Mandal, Karimnagar district has been rejected, and informed to the petitioner vide this office endorsement No.C/1375/2015, dated 15.02.2017, for the reasons stated supra.”

The petitioner filed reply affidavit denying receipt of endorsement dated 15.02.2017. Assuming that the endorsement is not served on petitioner by 3<sup>rd</sup> respondent, still the cause in the writ petition does not survive, for a decision is taken not to grant 'no objection certificate' to petitioner but it remained with 3<sup>rd</sup> respondent without communication. Therefore, this Court at best can direct 3<sup>rd</sup> respondent to communicate endorsement No.C/1375/2015 dated 15.02.2017 by registered post with acknowledgment due within four weeks from the date of receipt of a copy of this order.

The petitioner after receiving the endorsement dated 15.02.2017 can work out the remedies in accordance with law. The prayer as made having regard to the development referred to above, cannot be considered by this Court.

The writ petition is disposed of with the above observation. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:18.04.2018

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