

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

W.P.No.11316 of 2015

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleaders for Revenue and Mines and Geology for the respondents.

2. Petitioner herein submitted an application on 08.02.2011 for grant of quarry lease for Gravel over an extent of 8.000 hectares in Sy.No.93/4, Kadrivedu Village, Satyavedu Mandal, Chittoor District. The Assistant Director of Mines and Geology vide Lr.No.927/QI/2011, dated 08.02.2011 forwarded the said application to the Tahsildar, Sathyavedu Mandal, Chittoor District, inviting report as to the category of land, availability of land etc. Thereafter, vide Proceedings Roc.A/94/2012, dated 23.02.2012, the Tahsildar, Satyavedu sent a report to the Assistant Director of Mines and Geology. Thereafter, questioning the inaction on the part of the respondents in forwarding the application of the petitioner, petitioner filed W.P.No.32347 of 2012 before this Court. This Court, by way of an order dated 15.10.2012 disposed of the said writ petition and paragraphs 4 and 5 of the said order read as under:

“4. In view of the above, the second respondent is required to act in terms of G.O.Ms.No.181, dated 28.05.1998, referred to above, without further loss of time.

5. The Writ Petition is, accordingly, disposed of directing the second respondent—the Assistant Director of Mines and Geology, Chittoor, to forward the application of the petitioner, dated 08.02.2012, along with the report of the fifth respondent, to the first respondent in terms of G.O.Ms.No.181, dated 28.05.1998, for taking appropriate decision in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. There shall be no order as to costs.’

3. Thereafter, obviously no steps were taken. The state Government vide Memo bearing No.14433/Assn.I (1)/2013-1 dated 02.05.2013 issued direction to the District Level Screening Committee to inspect all the grazing lands and re-classify the grazing lands having mineral wealth and not useful for grazing purpose for taking a considered view on the allotment of such lands for mining purpose. Subsequently, vide Proceedings Roc.A/351/2013 dated 25.11.2013, the Tahsildar, Satyavedu, while making a reference to the orders of this Court in W.P.No.32347 of 2012, submitted a report indicating the application submitted by the petitioner herein along with three others for taking further action. Subsequently, vide Rc.No.D/3636/2013, dated 04.12.2013, the Revenue Divisional Officer addressed a letter to the Assistant Director of Mines and Geology, Chittoor intimating that the forest officials also gave their consent for grant of NOC. Thereafter, the Committee also accepted the grant of NOC. The Divisional Forest Officer vide Rc.No.3141 (c)/2013/D, dated 16.08.2017 addressed to the Assistant Director of Mines and Geology expressed no-objection for grant of quarry lease for Gravel in Sy.No.93/5 admeasuring 8.000 hectares in favour of the petitioner herein. The same was followed by the no-objection certificate of the Grampanchayat, Kadri dated 15.02.2015. In the minutes of the District Level Screening Committee meeting held on 06.01.2015, the District Collector made an endorsement on 07.01.2015 rejecting the cases for grant of quarry lease in respect of grazing grounds.

4. According to the petitioner, the same was obtained by the petitioner under the Right to Information Act, but no order was communicated to the petitioner herein rejecting NOC. According to the learned counsel for the petitioner, the action impugned is highly illegal, arbitrary and violative of Article 14 of the Constitution of India besides opposed to the very spirit and

object of the provisions of the A.P. Minor Mineral Concession Rules. 1966. It is very much evident from a reading of the impugned endorsement that obviously without considering the correspondence narrated *supra*, the District Collector made the impugned endorsement. It is also not in dispute that the District Collector did not communicate any order rejecting the NOC in favour of the petitioner herein nor the District Collector addressed a letter to the Mines and Geology authorities, rejecting the NOC. A reading of the impugned endorsement also shows that the District Collector never assigned any reason for rejecting the grant of NOC.

5. In the considered opinion of this Court, the matter requires reconsideration by the District Collector for consideration of issuance of the No-Objection Certificate in favour of the petitioner herein after taking into account the earlier correspondence and the instructions issued by the State Government including the Memo bearing No.14433/Assn.I (1)/2013-1 dated 02.05.2013 and the report submitted by the Revenue Divisional Officer, Tirupathi/the seventh respondent herein vide Roc.D/3636/2013, dated 04.12.2013.

6. For the aforesaid reasons, the writ petition is allowed, setting aside the impugned endorsement dated 07.01.2015 made by the District Collector, Chittoor, Chittoor District/third respondent herein and the matter is remitted for consideration afresh for issuance of No-Objection Certificate in favour of the petitioner herein, in accordance with law, as expeditiously as possible. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:30.07.2018
grk



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



W.P.No.11316 of 2015

Dated: 30.07.2018

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