

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No. 337 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred by the petitioners in W.P. No. 31599 of 2017 aggrieved by the order of the learned Single Judge dated 18.1.2018 dismissing their Writ Petition. The appellants herein filed the said Writ petition seeking a mandamus to declare the action of the Assistant Director of Mines & Geology in issuing dispatch permits, to the 6th respondent, for transport of road metal and building stone from the quarry in Survey No. 8 of Sangasamudram Village, Gurramkonda Mandal, Chittoor District, ignoring the demand notice dated 27.1.2015 issued by the Assistant Director of Mines and Geology, and also the objections raised by the appellants-writ petitioners and other villagers, as arbitrary, discriminatory, illegal and contrary to the APMMC Rules, 1966.

Facts, to the limited extent necessary, are that the 6th respondent was granted a mining lease on 27.03.2006, to quarry road metal and building stone in the subject land, for a period of ten years. The said ten year period expired on 27.3.2016. The 6th respondent submitted an application within time on 12.11.2015 seeking renewal of the lease. A demand notice was issued to the 6th respondent calling upon them to pay a sum of Rs. 1,62,300/- towards seigniorage fee plus Rs. 16,23,000/- as ten times penalty. As the 6th respondent failed to make payment, a notice was issued on 9.10.2017 calling upon them to show cause why their renewal application should not be rejected on the ground that they had not submitted a valid MRCC; they had not paid the demanded amount referred to in the demand notice dated

27.1.2015; and they were endangering the adjacent lands. Questioning the demand notice dated 27.1.2015, the 6th respondent preferred a revision before the Government. During the pendency of the revision proceedings, the impugned show cause notice came to be issued on 9.10.2017. The appellants herein filed W.P. No. 7511 of 2016 seeking a mandamus to declare the action of the respondents, in not considering the objections of the appellants and other neighbouring farmers of Sangasamudram Gram Panchayat to the quarry operations and stone crushing operations being conducted by the 6th respondent in the subject lands, as arbitrary and illegal. A consequential direction was sought to the respondents not to consider granting them renewal of the quarry lease.

While admitting the Writ petition, the learned Single Judge, in his order dated 19.4.2016, observed that pendency of the Writ Petition shall not preclude the mining authority from taking appropriate action, as warranted, in accordance with law, be it upon the findings of the Tahsildar or in relation to the renewal of the lease in favour of the 6th respondent. The said Writ Petition is still pending on the file of this Court. Thereafter, the appellants-writ petitioners filed W.P. No.31599 of 2017 questioning the action of the respondents in issuing dispatch permits ignoring the demand notice dated 27.1.2015.

By the order under appeal, the learned Single Judge dismissed the Writ Petition leaving it open to the Government and the competent authority to take independent considered decisions in the revision petition, and on the application for renewal filed by the 6th respondent.

Sri Y.N. Vivekananda, learned counsel for the 6th respondent, has placed before us a copy of the Memo No. 1947/M.I(1)/2015 dated 19.1.2018, issued by the Government of Andhra Pradesh, disposing of the revision application filed by the 6th respondent, and

setting aside the demand raised by the Assistant Director of Mines & Geology.

As the very basis, on which relief was sought for in the Writ Petition, is the demand notice dated 27.1.2015, which has since been set aside by the Government vide Memo dated 19.1.2018, it is evident that the cause in the Writ Petition no longer survives necessitating any further adjudication by this Court. It is wholly unnecessary for us, therefore, to examine the order, passed by the learned Single Judge on merits, in proceedings under Clause 15 of the Letters Patent. Suffice it to make it clear that the order now passed by us shall not disable the appellant-writ petitioners from questioning the validity of the memo issued by the State Government on 19.1.2018.

The Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

5th March, 2018

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