

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.7134 of 2018

ORDER:

This Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking the following relief:

“.....to issue an appropriate Writ, direction or order, more particularly one in the nature of a Writ of Mandamus declaring the action of the 3rd respondent in not transferring the quarry lease for Road Metal Gravel over an extent of 2.080 Hectares in Sy.No.801 of Paritala Village, Kanchikacherla Mandal, Krishna District in favour of the petitioner, for being illegal, arbitrary, contrary to the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, violative of Andhra Pradesh Minor Mineral Concession Rules, 1966 and unconstitutional and consequently direct the 3rd respondent to transfer the quarry lease for Road Metal and Gravel of P.Ravi Kumar in favour of the petitioner pertaining to 2.080 Hectares in Sy.No.801 of Paritala Village, Kanchikacherla Mandal, Krishna District and pass such other appropriate order or orders...”

2. Heard learned counsel for the petitioner and learned Government Pleader for Mines and Geology appearing for respondents and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. The petitioner i.e., Modern Crushers, represented by its Managing Partner, T.Purna Chandra Rao stated in the affidavit filed in support of the writ petition that one P.Ravi Kumar was granted quarry lease for Road Metal Gravel over an extent of 2.080 Hectares in Sy.No.801 of Paritala Village, Kanchikacherla Mandal, Krishna District, for a period of 10 years till 23.11.2019 covered by written agreement dated 24.11.2009 from the lease period commenced and the said Ravi Kumar was not in a position to operate the quarry lease due to his financial problems, he intend to transfer in favour of the writ petitioner by receiving an amount of Rs.50,000/- towards development charges and thereby, he made an application to the Deputy Director of Mines and Geology, Kakinada through respondent No.4-Assistant Director of Mines for transfer of

quarry lease held by said Ravi Kumar in favour of the petitioner. The said representation was dated 8/ 11.08.2016 and having kept the same pending, by proceedings dated 06.05.2017, a show cause notice was issued asking the petitioner to explain within 15 days as to why the application filed by him for transfer of quarry lease should not be rejected from the change of law covered by the amendment made to Rule 31(ix) of the Andhra Pradesh Minor Mineral Concession Rules, 1966, prohibiting transfer. The petitioner, after receiving the said notice, undisputedly, submitted his explanation by registered post on 07.06.2017 to the Deputy Director of Mines and Geology, Kakinada.

4. Though it is the prayer in the writ petition impugning the action in not transferring, a direction for disposal of the application with explanation of the petitioner pursuant to the show cause notice to the respondents itself is sufficient for disposal of the writ petition without going into the merits.

5. Accordingly, this Writ Petition is disposed of, directing the respondents to consider the application and explanation of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. Further grievance of the petitioner is left open.

6. Miscellaneous petitions pending, if any, shall stand closed. No costs.

Dr. B. SIVA SANKARA RAO, J

Date: 07.03.2018
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