

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.1 of 2017 (W.V.M.P.No.2742 of 2017) and

I.A.No.2 of 2017 (W.V.M.P.No.3295 of 2017)

And

W.P.No.16947 of 2017

COMMON ORDER:

For the sake of convenience, the parties will be referred to as per their array in the Writ Petition.

2. Petitioner has assailed in this Writ Petition proceedings dt.27-04-2017 of the 2nd respondent revoking the lease granted to the petitioner for laterite in respect of the subject property invoking Rule 12(5)(e) of the A.P. Minor Mineral Concession Rules, 1966 on the basis of a letter Rc.No.1961/2014/A1 dt.18-12-2015 of the 5th respondent.

3. In the said proceedings of the 5th respondent, it is stated that the Panchayat Resolution dt.26-07-2009 of 7th respondent Gram Panchayat is fictitious, and he had directed cancellation of NOC issued and requested the 2nd respondent to take steps for cancellation of mining lease granted pursuant to the alleged fictitious resolution of the Gram Panchayat dt.23-07-2009 as directed by the State Government in its Memo dt.12-03-2015.

4. On 26-02-2018, in W.P.M.P.No.45078 of 2016, this Court passed the following order:

“The fact that from 2009 till passing the impugned order dated 16-11-2015, the petitioner’s applications were considered and processed, raises a question as to the integrity or otherwise of the gram Panchayat. In those circumstances, it is directed that status quo in all respects obtaining as on today be maintained. It is also made clear that the respondents shall not allocate the area, which has been identified to be allocated to the petitioner, to any third party, pending disposal of the Writ Petition.”

5. I.A.Nos.1 and 2 of 2017 are filed to vacate the same.
6. It is stated by counsel on both sides that by order dt.17-08-2018 in W.P.No.30956 of 2016, the proceedings of the 5th respondent dt.18-12-2015 have been set aside and a finding was recorded that the Panchayat Resolution dt.23-07-2009 of the 7th respondent Gram Panchayat was not fictitious.
7. Therefore, for reasons alike, this Writ Petition is also allowed and proceedings dt.27-04-2017 of the 2nd respondent revoking petitioner’s quarry lease on the basis of the proceedings dt.18-12-2015 of the 5th respondent are hereby set aside. The Memo dt.16-11-2015 passed by the 1st respondent is also set aside since it was also subject matter of W.P.No.30956 of 2016 and was set aside in the said order. No costs.
8. Consequently, I.A.Nos.1 and 2 of 2017 are dismissed.
9. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-09-2018
Vsv