

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.11570 of 2012

ORDER:

The relief sought for in this writ petition is for a mandamus to declare the inaction of the respondents, in renewing leasehold rights in Survey No.673 of an extent of 10.00 hectares in Mahammadabad Village, Amadagur Mandal, Anantapur District, as illegal and arbitrary; and to, consequently, direct the respondents to renew the leasehold rights of the petitioner-association by considering their renewal application dated 07.04.2012.

In the affidavit, filed in support of the writ petition, it is stated that the petitioner-association had applied for grant of lease in Survey No.673, over an extent of 10.00 hectares for excavation of black granite; the authorities had granted leasehold rights on 21.04.1997 for a period of 15 years; on the ground that the survey operations were being carried on in Survey No.672, instead of Survey No.673, action was initiated against them; they had deposited a sum of Rs.40,000/- in the year 2003 for securing lease of the land in Survey No.672; and they had sought permission to lift the stock in Survey No.673 which was permitted by the 2nd respondent vide letter dated 05.07.2011 on condition of payment of seigniorage fee of Rs.1,39,012/-; as the stock became old, the persons who came there refused to purchase the stocks; and, as the lease period was coming to an end by 20.04.2012, the said amount could not be paid.

In the counter-affidavit, filed by the 2nd respondent, it is stated that the petitioner had wrongly stated that permits were not

issued even upto the completion of lease in Survey No.673 over an extent of 10.00 hectares and the lease period was coming to an end by 20.04.2012; the 1st respondent had determined the quarry lease, vide proceedings dated 08.10.1998, for non-payment of advance dead rent determined at Rs.3,54,100/-, and as Rule 31(iv) of the A.P. Minor Mineral Concession Rules, 1966 was violated; the said quarry lease was not in force; the petitioner was neither holding a quarry lease nor had they applied for renewal; the question of renewal of the quarry lease, in favour of the petitioner in Survey No.672, did not arise; and these facts were informed to the petitioner by the 2nd respondent in his letter dated 05.07.2011. It is also stated that, pursuant to the order passed in W.P.No.19943 of 2009 dated 17.09.2009, an inspection was caused on 30.09.2009, and it was found that there were 47 granite blocks available in the said area covering a quantity of 72.214 cubic meters; the 2nd respondent had requested the petitioner to pay seigniorage fee of Rs.1,39,012/-, which the petitioner had failed to pay; in compliance with the directions of this Court, in W.P.No.20325 of 2000 dated 26.06.2003, the respondents had granted a quarry lease but the petitioner had failed to pay advance dead rent and other taxes, and to execute the lease deed; though they were informed about determination of the old quarry lease, the petitioner had approached the 2nd respondent seeking renewal; there was no quarry working since more than 10 years; the petitioner is neither holding a quarry lease, nor had they applied for renewal; as such, renewal of the quarry lease in favour of the petitioner in Survey No.672, does not arise; recently, one Sri K.Adiniraryana Reddy had applied for grant of quarry lease in

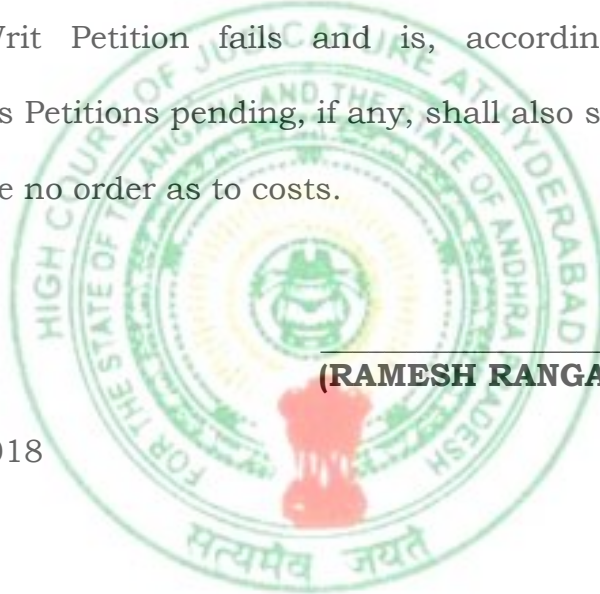
Survey No.673; and his application, made on 19.10.2011, is under process.

No reply affidavit has been filed to this counter-affidavit for the past six years, though it was served on the petitioner's counsel on 14.08.2012. As the averments in the counter-affidavit stand un-rebutted, it does appear that the lease was terminated in 1998, and the petitioner has neither applied for renewal of the lease nor did they pay the required seigniorage charges for lifting stocks quarried in Survey No.673. Consequently the relief, as sought for in the writ petition, cannot be granted.

The Writ Petition 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)

15th June, 2018
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Date: 15.06.2018

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