

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.23387 of 2018

ORDER:

Heard Mr.N.V.Sumanth for petitioners and the learned Assistant Government Pleader (Assignment) for respondents 1 to 6.

The petitioners challenge Memo No.21022/91/ Assn/ II/ (2)/ 2018 dated 22.05.2018 as illegal, arbitrary and beyond the jurisdiction of 1st respondent.

The petitioners applied for mining lease in an extent of Ac.44-48 cents in Sy.No.1 of Chintaluru Village, Prathipadu Mandal, East Godavari District, for excavation of laterite mineral. According to petitioners, respondents 2 to 6 followed the applicable procedure and granted No Objection Certificate and thereafter, the petitioners were called upon to pay the requisite fee for processing and granting mining lease to petitioners. At that juncture, the memo impugned in the writ petition is issued by 1st respondent.

The petitioners raise several legal and factual objections against the memo impugned in the writ petition. According to petitioners, the 1st respondent ought not to have in the circumstances of the case exercised his jurisdiction.

The Assistant Government Pleader opposes the maintainability of writ petition and particularly draws the attention of the Court to the order dated 22.05.2018, wherein NOC is kept in abeyance until further orders, and submits that the petitioners ought

to have relegated to file explanation and seek for vacation of the order dated 22.05.2018 and rejection of application filed by one P.Chanti, President of Dalitha Samaikya Mahila Sankshema Sangam.

I have perused the annexures on which the petitioners rely on.

Prima facie, this Court is of the view that the 1st respondent since has entertained the application of 7th respondent ought to pass orders in accordance with law in File No. 21022/91/Assn/II/(2)/2018.

Hence, the writ petition is disposed of by this order.

(a) The petitioners are given liberty to file explanation by enclosing a copy of this order within two weeks from today and seek vacation of the order dated 22.05.2018 and other appropriate reliefs.

(b) The 1st respondent considers disposing of case pending in File No.21022/91/Assn/II/(2)/2018, after affording opportunity to petitioners, as expeditiously as possible, preferably within eight weeks thereafter.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S. V. BHATT, J

Dt: 10-07-2018

Prv

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Prv