

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26279 of 2018

ORDER:

Petitioner herein claims to be a resident of Morampudi village, Rajamahendravaram, West Godavari District and he claims to be a devotee of Gurajala Akkamma Talli Temple and, according to the petitioner, the same is situated in R.S.No.98 (Old RS.No.70) admeasuring an extent of Ac.14.78 cents on the hillock of Morampudi village.

The action of the respondent Nos.2 to 4 herein, in processing the application of the respondent Nos.5 and 6, for grant of quarry lease, in respect of an extent of Ac.14.78 cents in the above survey number, without considering the objections, dated 18.06.2018, is under challenge in the present Writ Petition. It is to be noted that the petitioner herein, along with five others, instituted O.S.No.180 of 2016, on the file of the IX Additional District Judge, Rajamahendravaram, East Godavari District against the respondent Nos.5 and 6 and two others, for declaration, mandatory injunction and also for permanent injunction. The said suit, according to the learned counsel for the petitioner, is still pending.

During the course of arguments, written instructions, furnished by the office of the Assistant Director of Mines & Geology, Rajamahendravaram, are placed on record by the learned Government Pleader. The said instructions disclose that, earlier for the same relief, W.P.No.34396 of 2016 was filed before this Court and the same was disposed of. It is also stated that the unofficial

respondents herein also filed W.P.No.38085 of 2016, wherein in W.P.M.P.No.998 of 2017, interim order was passed, keeping it open for the petitioner therein to approach the Tahsildar by making specific request to furnish a report in terms of G.O.Ms.No.107, dated 30.07.2016. It is further stated that, as per the orders passed by this Court, the fifth respondent requested the Tahsildar to issue a report in terms of G.O.Ms.No.107, dated 30.07.2016. It is also evident from the instructions that the Tahsildar, Rajamahendravaram, vide Ref.B/324, dated 18.01.2018, issued Classification and availability report stating that the matter was re-enquired by the Tahsildar, Rajamahendravaram Rural and the same revealed that there is no temple or idolmon in the name of Sri Sri Sri Gurajala Akkamma Thalli on the top of the hill and the same thing also came to light during the joint inspection. It is further stated that, basing on the No Objection Certificate issued by the Tahsildar, after completion of inspection and survey of the Department and after getting reports of survey and inspection, the office of the Director of Mines and Geology submitted grant proposals to the Deputy Director of Mines and Geology, Kakinada in single file system vide File No.782/Q/2015, dated 05.03.2018, for grant of quarry lease in favour of the fifth respondent for a period of five years subject to satisfaction of Rules and Regulations. It is further stated that the Deputy Director of Mines and Geology, Kakinada issued notice to the fifth respondent on 14.03.2018 principally agreeing for grant of quarry lease, subject to submission of approved mining plan, as required under Rule 7A(1) of the A.P.Minor Mineral Concession Rules, 1966, along

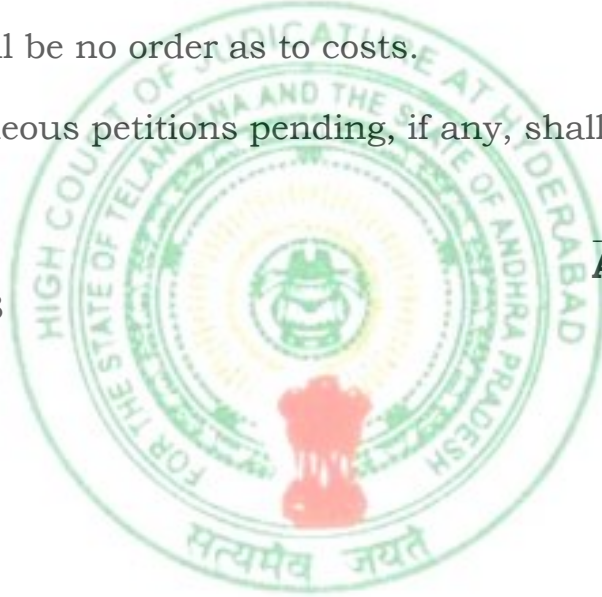
with the Environment Clearance, as per the procedure mentioned in the Notification S.O.No.1533(E), dated 14.02.2006, and subject to compliance of the other requirements.

Having regard to the above developments taken place and the survey undertaken and the availability report submitted by the revenue authorities, further enquiry in the matter cannot be undertaken.

For the aforesaid reasons, the Writ Petition is dismissed. However, petitioner herein is at liberty to pursue his suit as per law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

27th July, 2018
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A.V.SESHA SAI,J