

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.28954 of 2018

ORDER:-

The complaint of the petitioner in the present Writ Petition is that though he submitted an application for grant of temporary permits for *busaka*, as long back as on 06.07.2018, to the Assistant Director of Mines and Geology, R.3, no action has been taken on the said application so far, though similarly situated persons have been granted permits and the said action is highly illegal, arbitrary and violative of Article 14 of the Constitution of India.

Today, when the matter is taken up, written instructions furnished by the Assistant Director of Mines and Geology/R.3 are placed on record by the learned Government Pleader. The said instructions read as under:-

“Sri Arepalli Naga Rajinikanth, S/o.Veera Venkateswara Rao of Katuru village, Vuyyuru Mandal, Krishna District, has filed an application for grant of Temporary Permit for Busaka, over an extent of 3.00 Acres, Sy.No.338/1A2(P), Royyuru village, Thotlavalluru Mandal, Krishna District, on 07.07.2018, along with all required documents.

Further, this Office has requested the Tahsildar, Thotlavalluru vide this Office letter No.2109/T.P./2018-1, dated 09.07.2018, for issuing Classification, availability of land and No Objection Certificate for issue of Temporary Permit. Further, the Executive Engineer, K.C.Division, Vijayawada also requested to give No Objection

Certificate from River conservatory point of view as the applied area is fallen in middle of the Krishna River vide this office letter No.2109/T.P./2018-2, dt.09.07.2018. But no reports have been received in this office from concerned authorities so far and hence Temporary Permit was not issued for want of No Objection Certificates from the concerned departments.

It is a fact that this office has issued Temporary Permits for Ordinary Earth in favour of M/s.Dilip Buildcon Ltd., as the applicant company have produced all the statutory documents and No Objection Certificates from Revenue Department and River Conservator/Executive Engineer, K.C.Division, Vijayawada, as the applicant company is a contractor for four lane of Machilipatnam-Vijayawada National Highway-0 road work as it is a Prioritized Work.”

On noticing the same, a request is made by the learned Counsel appearing for the petitioner to direct the Assistant Director of Mines and Geology to pass appropriate Orders on the application made by the petitioner herein for temporary permit, and if any requirements are required for fulfillment by the petitioner herein, the same will be complied with by the petitioner.

For the aforesaid reasons, the Writ Petition is disposed of, directing the Assistant Director of Mines and Geology/R.3 to issue appropriate endorsement on the application, dated 06.07.2018, informing the present position of the application, as expeditiously as possible.

Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI

16th August, 2018.
smr

