

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42145 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring action of the respondents in interfering with the quarry operations and transportation of mineral being conducted pursuant to quarry lease granted vide Proc.No.1659/Q2/2016, dt. -02-2018 for lime stone slabs (Black) over an extent of 1.000 Hects. In Sub-Division No.1214 of Gorivimanipalli Majara of Petnikota Village, Kolimigundla Mandal, Kurnool District without passing any orders as arbitrary, illegal, unjust, unconstitutional and without jurisdiction and in violation of principles of natural justice Mines & Minerals (Development & Regulation) Act, 1957 and A.P. Minor Mineral Concession Rules, 1966.”

2. I have heard the submissions of the learned counsel for the petitioner; of the learned Government Pleader for Mines and Geology (AP), appearing for the respondents 1 to 4; and, of the learned Government Pleader for Home (AP), appearing for the 5th respondent. I have perused the material record.

3. Learned counsel for the petitioner submits that the petitioner is a licence holder for carrying on quarry operations in the aforestated subject property and that when the petitioner is carrying on quarry operations as per the permissions and licence conditions, certain machinery was seized on the complaint of the Assistant Geologist, Mining, Banaganapalli, and that pursuant thereto, a case in Crime No.100 of 2018 was registered, on 10.10.2018, by the Station House Officer, Kolimigundla Police

Station, Kurnool District, and that thereafter, the machinery is released on furnishing securities; and, that thereafter, when the petitioner is continuing with the quarry operations, interference is being caused without following the procedure established by law; and, hence, the present writ petition is filed.

4. Learned counsel for the petitioner affirms that if any violations are there, a notice ought to have been issued and the procedure envisaged under law ought to have been followed.

5. Learned Government Pleader appearing for respondents 1 to 4, having invited the attention to the provisions of Section 24 of the Mines & Minerals (Development & Regulation) Act, 1957, would submit that the officers concerned are entitled to enter the quarry premises and make inspections & discharge their duties.

6. Having regard to the submissions, the Writ Petition is disposed of directing the respondents not to interfere with the quarry operations being carried on by the petitioner in the subject property pursuant to the lease *vide* proceedings No.1659/Q2/2016, dated 20.02.2018, for lime stone slabs, except by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 22.11.2018
AMD

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