IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE TWENTY EIGHTH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT APPEAL Nos. 1076 OF 2024 AND 52 2025

WRIT APPEAL No. 1076 OF 2024

Writ Appeal under clause 15 of the Letters Patent against the order dated 20-12-2024 in W.P. No.28783 of 2024 on the file of the High Court.

Between:

Vagdevi and Vishnavi Minerals, Rep. by its Proprietor V.S.B Mallapa Rao S/o.Nagabhushanam, Aged about 53 years, R/o.D.No.84-87 Padmavathi Nagar, Near Ford Showroom Rajamahendravaram, East Godavari District Andhra Pradesh.

...APPELLANT/WRIT PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Mines and Geology Department, A.P. Secretariat, Velagapudi Amaravati, Guntur District.
2. The Director of Mines and Geology, Ibrahimpatnam, NTR District, AP
3. The District Level Sand Committee, East Godavari District, Govt. of Andhra Pradesh, Rep.by its Chairman and Collector
4. The Joint Collector and Additional District Magistrate and In-charge for Overall sand Operations, East Godavari District, AP
5. The District Mines and Geology Officer, Rajamahendravaram, East Godavari District Andhra Pradesh.

...RESPONDENTS

IA NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the Notification No.2825/sand/ excavation/2024-2025 dt.24-12-2024 issued by the 3rd respondent in respect of Serial No.1 Vangalapudi/2022-1 pending disposal of the above writ appeal.

Counsel for the Appellant: SRI P.CHIDAMBARAM, SR. COUNSEL FOR SRI YASWANTH GADE

Counsel for the Respondent Nos.1 to 5: GP FOR MINES AND GEOLOGY

WRIT APPEAL NO: 52 OF 2025

Writ Appeal under clause 15 of the Letters Patent against the order dated 20-12-2024 in W.P. No.28781 of 2024 on the file of the High Court.

Between:

Vagdevi And Vishnavi Minerals, Rep. by its Proprietor V.S.B Mallapa Rao S/o.Nagabhushanam, Aged about 53 years R/o.D.No.84-87 Padmavathi Nagar, Near Ford Showroom Rajamahendravaram, East Godavari District Andhra Pradesh

...Appellant/Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Mines and Geology Department, A.P. Secretariat, Velagapudi Amaravati, Guntur District.
2. The Director of Mines and Geology, Ibrahimpatnam, NTR District, AP
3. The District Level Sand Committee, East Godavari District, Govt.of Andhra Pradesh Rep. by its Chairman and Collector
4. The Joint Collector and Additional District Magistrate and In-charge for Overall sand Operations, East Godavari District, AP

5. The District Mines and Geology Officer, Rajamahendravaram, East Godavari District Andhra Pradesh.

...Respondents

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings including awarding of contract to any third party in respect of Sand Stock Point at Vemagiri-Kadiyapulanka/2022-1 East Godavari District, pending disposal of the above writ appeal.

Counsel for the Appellant: SRI P.CHIDAMBARAM, SR. COUNSEL FOR SRI YASWANTH GADE

Counsel for the Respondent Nos.1 to 5: GP FOR MINES AND GEOLOGY

The Court made the following: COMMON JUDGMENT

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3483]
(Special Original Jurisdiction)

WRIT APPEAL NO: 1076 of 2024 along with
Writ Appeal No.52 of 2025

Between:

Vagdevi And Vishnavi Minerals ...**APPELLANT**

AND

The State Of Andhra Pradesh and Others ...**RESPONDENT(S)**

Counsel for the Appellant:

1.YASWANTH GADE

Counsel for the Respondent(S):

1.GP FOR MINES AND GEOLOGY

The Court made the following:

CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

SRI JUSTICE RAVI CHEEMALAPATI

DATE : 28.01.2025

COMMONJUDGMENT

(Per Sri Justice Ravi Cheemalapati)

Challenging the common orders dated 20.12.2024 passed by a learned single Judge in W.P.No.28781 of 2024 & W.P.No.28783 of 2024, the petitioner therein, preferred these intra court appeals under Clause 15 of Letters Patent.

2. Inasmuch as these writ appeals arise out of common orders and as appellant as well as facts in both the appeals are similar, they are heard together and are being disposed of by this common judgment.

3. Through the common order impugned in these writ appeals, the writ petitions filed by the petitioner questioning the proceedings No.1646/sand tender/2024-01, dated 28.11.2024 issued by respondent no.4- Joint Collector & Additional District Magistrate & in-charge for overall Sand operations; were dismissed.

4. The facts that led to filing of these writ appeals, in brief, are that, the petitioner emerged as successful bidder of the notification issued for manual extraction of sand, loading, transportation to the stock point and loading of vehicles in respect of two sand reaches viz., Vangalapudi & Vemagiri-Kadiapulanka and accordingly letter of award was issued on 16.10.2024. Thereafter, respondent no.5-District Mines and Geology Officer, Rajamahendravaram issued show-cause-notice dated 26.10.2024 to show cause why action should not be initiated for violation of tender conditions and in response the petitioner submitted his explanation, but without considering the said explanation, the respondent no.4, who has no power or authority,

issued proceedings revoking the letter of award issued in favour of the petitioner. Assailing the same, the petitioner preferred Writ Petition No.26063 of 2024,mainly on the ground that respondent no.4 has no power or authority to revoke letter of award, and the said writ petition was allowed and the matter is remanded to respondent no.4 for consideration of the matter afresh. Pursuantly, the respondent no.4 took up the matter and issued proceedings No.1646/sand tender/2024-1, dated 28.11.2024 cancelling the work orders issued in favour of the petitioner in respect of two sand reaches. Aggrieved thereby, the petitioner filed two separate writ petitions.

5. The learned single Judge upon considering the material available on record and upon hearing the arguments of the learned counsel for the parties, dismissed the writ petitions vide common orders. Assailing the orders of the learned single Judge, these writ appeals have been filed.

6. Heard Sri P.Chidambaram, learned senior counsel, representing Sri Yashwanth Gade, learned counsel for the petitioners, and learned Government Pleader for Mines and Geology for respondents.

7. Sri P.Chidambaram, learned senior counsel, while reiterating the contents of the writ affidavits and grounds of appeals would contend that as per G.O.Ms.No.43, Industries & Commerce (Mines-III) Department, dated 08.07.2024, the District Level Sand Committee alone is competent to oversee and manage all sand operations at the district level and it cannot delegate the said powers either to respondent no.5 or respondent no.4. Therefore, the order issued by respondent no.4 revoking the work order issued to the petitioner is beyond the power & authority conferred upon him by the Government Order referred to above. However, the learned single Judge, upon misconception of the facts of the case, dismissed the writ petitions instead of allowing the same by declaring the orders impugned therein as *ultra vires*.

8. Per contra, the learned Government Pleader for Mines and Geology, would contend that, since the petitioner furnished false information while submitting tender as if there were no dues to the Mines Department and that the firm was having valid GST certificate, which were later found to be untrue and false, the respondent no.4, after issuing show-cause-notice and affording an opportunity to the petitioner to submit explanation, had revoked the work

order. The learned Government Pleader while placing the proceeding vide Ref. Procs.No.Lands-1/497444/2024, dated 21.08.2024 of the Collector & District Magistrate-Chairman of District Level Sand Committee, would further contend that pursuant to the directions of the Chief Secretary to Government, the District Collector issued proceedings thereby keeping the Joint Collector as incharge for overall Sand operations. Thus, the respondent no.4 is having power and authority to revoke the work order. There are no valid grounds in the appeals and they deserve dismissal. Accordingly, prayed to dismiss the appeals.

9. Perused the material available on record and considered the submissions made by learned counsel for the parties.

10. The material would indicate that, show-cause notices were issued to the petitioner as to why action should not be taken against him, since it was found that he misrepresented the facts in the affidavits stating that there were no dues to the Mines Department and that the firm was having valid GST certificate. The petitioner submitted explanations to those show-cause-notices. Thereafter, the respondent no.4-Joint Collector vide proceedings revoked the work orders issued in favour of the petitioner.

11. The main thrust of the argument advanced by the learned senior counsel for the petitioner is competence of respondent no.4 in issuing revocation orders. The proceedings of the Collector & District Magistrate, who is the Chairman of District Level Sand Committee, vide Ref.Proc.No.Lands-1/497444/2024, dated 21.08.2024, which is placed on record by the learned Government Pleader, would indicate that on being instructed by the Chief Secretary to Government of Andhra Pradesh, the respondent no.4-Joint Collector, East Godavari, Rajamahendravaram, was kept as in-charge for overall sand operations in East Godavari District.

12. It is also relevant here to note that the work orders in favour of the petitioner were issued by respondent no.4-Joint Collector & Additional District Magistrate and incharge for overall sand operations. Overall sand operations referred in the proceedings dated 21.08.2024 would necessarily include revocation of work order. Thus, the contentions raised by learned senior counsel questioning competence of respondent no.4 are untenable and are rejected.

13. The learned single Judge upon considering the material as well contentions advanced for the parties in proper perspective rightly dismissed

the writ petitions. We do not find any merit in these appeals warranting interference of this Court.

14. Accordingly, the writ appeals are dismissed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

Sd/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Yaswanth Gade, Advocate [OPUC]
2. Two CCs to GP for Mines and Geology, High Court of Andhra Pradesh, [OUT]
3. Three CD Copies.

ssb

HIGH COURT

DATED:28/01/2025

COMMON JUDGMENT
WA.Nos.1076 of 2024 and 52 of 2025



DISMISSING THE WRIT APPEALS
WITHOUT COSTS