

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE : W.P.No.10890 OF 2023

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
05.	23.06.2023	<u>SRS,J</u> <u>W.P.No.10890 OF 2023</u> The writ petition is filed seeking Writ of Mandamus to declare the proceedings No.117/D8/2020, dated 24.03.2022 issued by the 2nd respondent and the consequential proceedings in respect of grant of quarry lease for silica sand over an extent of 4-435 Hectares in Sy.No.496-1(P) of Ballavolu Village, Chillakur Mandal, Tirupati District in favour of the 8th respondent, as illegal and arbitrary. Petitioners in the affidavit contended that the petitioners have been cultivating the land in Sy.No.496-1(P) of Ballavolu Village of Chillakur Mandal, Tirupati District. The Revenue authorities granted patta in favour of the petitioners 1 and 2 to an extent of Ac.0-19 cents and Ac.1-15 cents respectively in Sy.No.496/1 of Ballavolu Village, 3rd petitioner has been cultivating an extent of Ac.2-00 cents in Sy.No.496/1, petitioners 4 and 5 have been cultivating an extent of Ac.5-00 cents in Sy.No.496/1. 6th petitioner has been cultivating an extent of Ac.0-81 cents. The 8th respondent with the help of her men, is restraining the petitioners from cultivating the land under the guise of quarry lease, granted in her	

	favour. On verification, petitioners came to know that the 2nd respondent issued proceedings No.117/D8/2020, dated 24.03.2022 granting quarry lease for silica sand in an extent of 4-435 Hectares referred to supra in Sy.No.496-1(P). Learned Assistant Government Pleader for Revenue passed on instructions of Tahsildar, Chillakur Mandal vide Rc.B.81/2023, dated 22.06.2023. As per the said instructions, petitioners 1 and 2 are in possession of an extent of Ac.0-19 cents and Ac.0-8612-15 cents respectively, 3rd petitioner is in possession of Ac.0-89 cents; DKT pattas were granted in favour of petitioners 4 to 6 for an extent of Ac.2-50 cents, Ac.2-50 cents and Ac.0-80 cents respectively. The status of the petitioners 1 and 2 is shown as 'encroachment'. 3rd petitioners name was updated in the web land adangal. DKT patta was issued in favour of 4th petitioner's uncle and also uncle of 5th petitioner. DKT patta was issued in favour of mother of 6th petitioner. As seen from the material on record, the 4th respondent granted lease in favour of the 8th respondent basing on NOC issued by the 7th respondent. 7th respondent, in fact, found encroachment in the area, leased out, in favour of the 8th respondent way back in December, 2019 and addressed a letter to the Additional Director, Mines and Geology. However, the lease was granted in favour of the 8th respondent by the 2nd respondent. Without evicting the encroachers, issuance of NOC does not arise. The consequence of granting permission for mining silica sand by the 2nd respondent in favour of 8th respondent will create law and order problem.	
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In view of the above circumstances, this Court deems it appropriate to suspend the proceedings issued by the 2nd respondent vide proceedings No. No.117/D8/2020, dated 24.03.2022 for a period of six (06) weeks from today.

4th and 7th respondents shall file counters by the next date of hearing.

The 5th Respondent-District Collector shall submit a report indicating the extent of land in possession of petitioners (cultivation) and the lease area granted in favour of 8th respondent along with sketch, which will help the Court in deciding the issue of overlapping by the next date of hearing.

Registry (Judicial) shall send a copy of this order to the 5th respondent-District Collector, Tirupati forthwith.

List the matter on 21.07.2023.

SRS,J

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