

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.19960 of 2023

Between:

Morusu Ram Mohan,
S/o Late M. Narasimhulu,
Aged about 46 years,
Occ: Retired from CRPF,
R/o D.No. 10/160,
Kondapalli Village, Kristipadu Post,
Peddavaduguru Mandal,
Anantapur District.

....Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Mines and Geology Department,
Secretariat Buildings,
Velagapudi, Amaravathi and 4 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Mines and Geology for the respondent Nos. 1 to 4 and the learned counsel appearing for the respondent No.5.

2. This Writ Petition is filed questioning the action of the respondent Nos.2 to 4 in not considering the request of the petitioner to transfer the mining lease granted in proceedings No.1432/R4-1/2014, dated 13.12.2017 (in favour of the respondent No.5) in respect of petitioner's share of lands to

an extent of Ac.0-80 in Sy.No.1251A, Ac.1-50 in Sy.No.1251B, Ac.0-47 in Sy.No.1251C and AC.0-94.5 in Sy.No.448-2 in total Ac.3-71.5 of Kristipadu Village, Peddavadugur Mandal, Ananthapuramu District in the name of the petitioner.

3. The learned counsel for the petitioner submits that the mining lease was granted over an extent of Ac.10-09 cents in Sy.No.1251-A,B,C, 431-3, 448-2, 477 & 475-D and in the said survey numbers the petitioner has got share to an extent of Ac.0-80 in Sy.No.1251A, Ac.1-50 in Sy.No.1251B, Ac.0-47 in Sy.No.1251C and Ac.0-94.5 in Sy.No.448-2, in total Ac.3-71.5 cents in accordance with the sale deed executed by the respondent No.5 and his wife and another and therefore the petitioner made an application for grant of mining lease for an extent of Ac.3-71.5 cents out of Ac.10-09 cents. But, the same is not considered by the authorities concerned.

4. On the other hand, the respondent No.5 filed counter affidavit stating that the petitioner did not make any application for transfer of lease in a requisite form and no fee was paid and as such the official respondents cannot consider the same.

5. The Civil Suit is pending before the Competent Civil Court between the petitioner and the respondent No.5 in O.S.No. 212 of 2023 on the file of Junior Civil Judge, Gooty dated 25.05.2023, wherein the respondent No.5 sought for relief of permanent injunction against the defendant who is the petitioner in the present writ petition.

6. The learned Assistant Government Pleader submits that if the petitioner makes an application in a proper format in compliance with the rules, the same will be considered by following the due procedure by the authorities concerned.

7. In view of the above said facts and circumstances, the petitioner is permitted to make an application for grant of mining lease in so far as to the extent of his share is concerned in a proper format by complying with the rules and payment of requisite fee to the authority concerned within a period of three (03) weeks from the date of receipt of this order by enclosing all the necessary documents in support of his claim. On receipt of such application from applied by the petitioner, the respondent Nos. 2 to 4 shall consider the same strictly in accordance with law by hearing all the parties concerned including the petitioner and the respondent No.5 and upon verification of the records and the

subject land, an appropriate decision shall be taken on its own merits, as expeditiously as possible preferably within a period of four (04) months thereafter.

8. Accordingly, this Writ Petition is disposed of. No costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed. Interim orders, if any, stands vacated.

JUSTICE B KRISHNA MOHAN

21.12.2023
RMD

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Dated: 21st December, 2023

RMD