

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.2961 of 2023

C.Subbamma, W/o. C.Venkataiah,
Aged about 63 years, Occ: Business,
R/o. Kanimbedu Village, Pallipadu
Taluk, Tiruvallur District, Tamil Nadu
State.

... Petitioner

Versus

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

... Respondents

Counsel for the petitioner : Sri P.Hema Chandra

Counsel for respondent Nos.1 to 4 : GP for Mines and
Geology

Counsel for respondent No.5 : GP for Revenue

ORDER

The present writ petition is filed under Article 226 of
the Constitution of India seeking the following relief:

“... to issue an appropriate writ order or direction more
particularly a Writ of Mandamus declaring the action of
the 2nd respondent in issuing proceedings
No.4198318/D13-1/2021, dt.12.03.2022 insisting for
submission of NOC before the 4th respondent for grant of
quarry lease to the petitioner in an extent of 1.000

Hectors in Sy.No.140/9, 363/1, 5 and 6 of Nisankadurgam (Group), Surendranagaram Village, Karvetinagaram Mandal of Chittoor Disttrict is Illegal, arbitrary, contrary to the mandate of Rule 35 of AP MMC Rules, 1966 apart from being violative of Articles 14 and 21 of the Constitution of India and consequently direct the 2nd respondent not to insist for submission of NOC for grant of quarry lease to the petitioner for Gravel Road metal and building stone and pass such other order or orders”

2. Petitioner made application for grant of quarry lease for Gravel, Road Metal and Building Stone over an extent of 14.000 hectares in Sy.No.140/9 of Surendranagaram Village, Karvetinagaram Mandal, Chittoor District. The Deputy Director of Mines and Geology – 3rd respondent *vide* proceedings No.880/CTR/2019 dated 22.10.2019, rejected the application of the petitioner. Aggrieved by the same, petitioner filed appeal under Rule 35 of the Andhra Pradesh Minor Mineral Concession Rules, 1966 before the 3rd respondent. The 3rd respondent *vide* D.Dis Proceedings No.4924325/D13-1/2021 dated 12.03.2022, allowed the appeal by setting aside the proceedings dated 22.10.2019.

3. The grievance of the petitioner is that the 2nd respondent issued proceedings No.4198318/D13-1/2021

dated 12.03.2022, insisting for submission of No Objection Certificate before the 4th respondent for grant of quarry lease. However, the said proceedings are not placed before the Court.

4. Counter affidavit was filed on behalf of respondent Nos.1 to 4, deposed by the 3rd respondent. Along with the counter affidavit the proceedings of District Mines and Geology Office *vide* proceedings No.7378/Q1/2016 dated 01.09.2023 is annexed. In the said proceedings, the application made by the petitioner for grant of quarry lease for Gravel, Road Metal and Building Stone over an extent of 14.000 hectares in Sy.no.140/9 of Surendranagaram (Group Nisankadurgam) Village, was declared as ineligible.

5. Heard Sri P.Hema Chandra, learned counsel for the petitioner and learned Government Pleader for Mines and Geology appearing for respondent Nos.1 to 4.

6. Learned counsel for the petitioner reiterated the contentions as per the averments in the writ affidavit and learned Government Pleader for Mines and Geology reiterated the contentions as per the averments in the counter affidavit.

7. As seen from the proceedings of District Mines and Geology Office *vide* proceedings No.7378/Q1/2016 dated 01.09.2023, the application made by the petitioner was declared as ineligible. Since the petitioner's application was declared as ineligible, petitioner has to challenge the same before appropriate authority. In view of the same, the Writ Petition is disposed of granting liberty to the petitioner to challenge the proceedings dated 01.09.2023. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

JUSTICE SUBBA REDDY SATTI

Date: 14.09.2023

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