

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

THURSDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN



WRIT PETITION NO: 1078 OF 2023

Between:

M/s. Venkateswara Granites, ARN Complex, Kurnool Road, Ongole,
Represented by its Authorized Signatory, Mr. G. Sai Krishna Reddy, S/o. Audi
Sesha Reddy, Aged about 46 Years, R/o. Hyderabad.

...Petitioner

AND

1. Director of Mines and Geology, Government of Andhra Pradesh, Ibrahim Patnam, Vijayawada.
2. District Collector, Prakasam District, Collectorate, Ongole - 523002
3. Assistant Director of Mines and Geology, Room No. 58,59, Opposite Collector's Office, Ongole - 523002.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more particularly in the nature of a writ of mandamus declaring the proceedings No. 3672/139/2019 dated 13-10-2022 as being void, illegal, arbitrary, violative of Article 14 of the Constitution of India and set aside the same and consequently direct the Respondent No. 2 to grant no objection certificate and the Respondent Nos. 1 and 3 to grant quarry lease to the Petitioner in respect of the land admeasuring Ac 15-00 Gts in Sy. No. 55 of R.L.Puram, Chimakurthy Mandal, Prakasam District.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the proceedings No. 3672/D92019 dated 13-10-2022 and consider the application of the Petitioner, pending disposal of WP 1078 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri S. Vivek Chandra Sekhar, Advocate for the Petitioner and of GP for Mines & Geology for Respondent Nos.1 & 3 and GP for Revenue for Respondent No.2, the Court made the following

ORDER:

"Heard the learned Senior Counsel for the petitioner.

The learned Government Pleader for Mines and Geology takes notice for the respondent Nos.1 and 3.

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ORDER:

"Heard the learned Senior Counsel for the petitioner.

The learned Government Pleader for Mines and Geology takes notice for the respondent Nos.1 and 3.

The learned Government Pleader for Revenue name may be printed for the 2nd respondent.

This Writ Petition is filed questioning the proceedings of the 1st respondent, dated 13.10.2022 in not considering for grant of quarry lease to the petitioner in respect of the land admeasuring Ac.15.00 Gts in Sy.No.55 of R.L. Puram, Chimakurthy Mandal, Prakasam District.

The learned Senior Counsel for the petitioner submits that by virtue of earlier round of litigation in Writ Appeal No.652 of 2009 and batch, dated 08.04.2010, the Division Bench of the erstwhile High Court of Andhra Pradesh passed an order confirming that this is a Patta Land and against which when the Government preferred an appeal before the Hon'ble Supreme Court of India the same was confirmed by declaring that it is a Patta Land. But, contrary to the above said findings of the Hon'ble Courts, the impugned proceedings have been passed by the respondent No. 1 disputing the character of the subject land as mentioned in the said proceedings.

The learned Senior Counsel for the petitioner submits that the observations recorded by the 1st respondent in his impugned proceedings dated 13.10.2022 virtually amounts to committing of the Contempt of Court, as the findings given by the Division Bench of the Hon'ble High Court and the Hon'ble Apex Court were otherwise held to be a Patta Land.

In view of the same, solely on that ground the case of the petitioner was not considered for grant of quarry lease.

In view of the above said facts and circumstances, the respondents are directed to file their detailed counters.

In the meanwhile, there shall be an order of *Status-quo* with respect to the impugned proceedings of respondent No. 1 dated 13.10.2022 only for a period of four (04) weeks.

List on 09.02.2023."

//TRUE COPY//

For

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

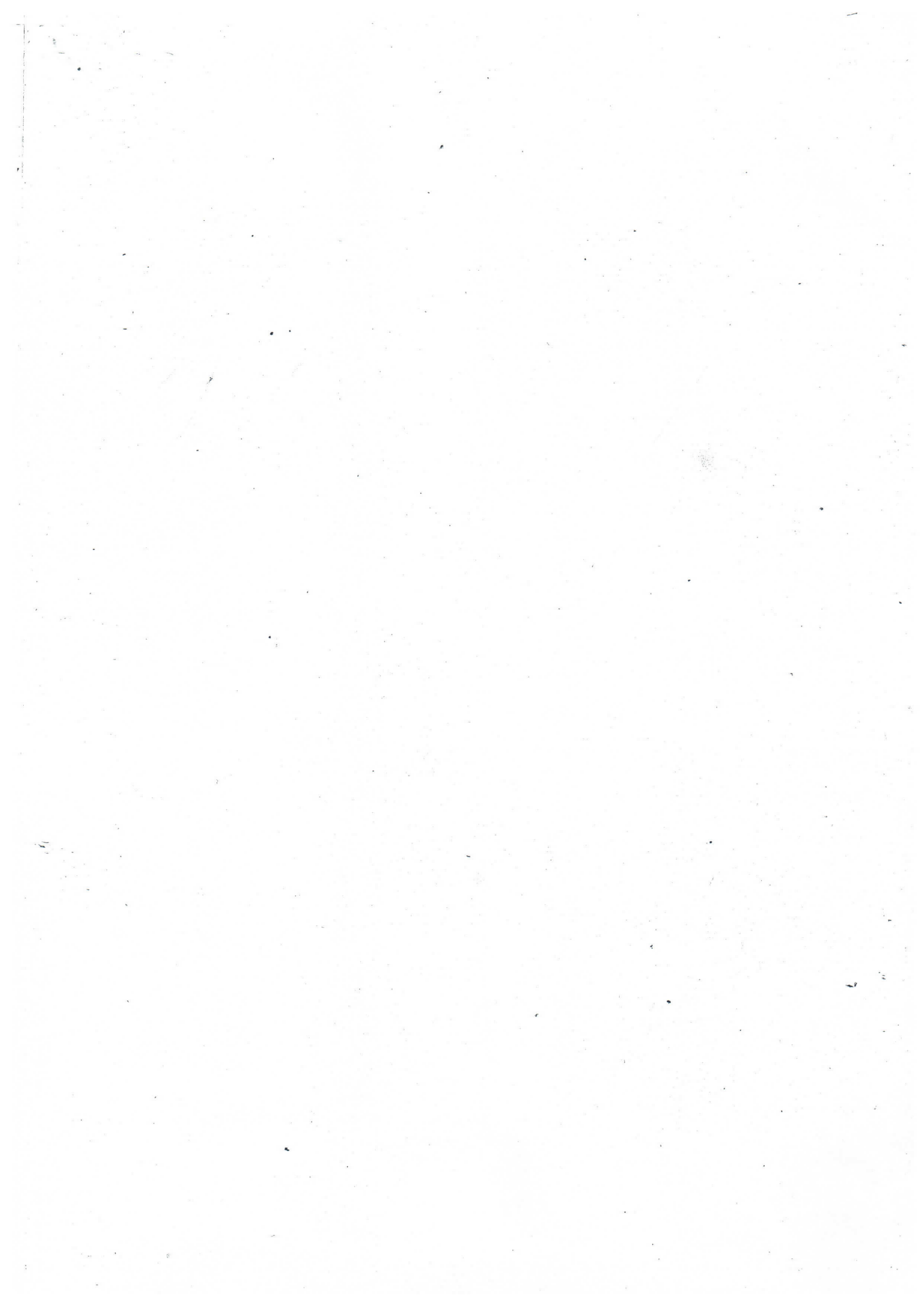
SECTION OFFICER

To,

1. The Director of Mines and Geology, Government of Andhra Pradesh, Ibrahim Patnam, Vijayawada.
2. The District Collector, Prakasam District, Collectorate, Ongole - 523002

3. Assistant Director of Mines and Geology, Room No. 58,59, Opposite Collector's Office, Ongole – 523002.(1 to 3 by RPAD)
4. One CC to Sri. S. Vivek Chandra Sekhar, Advocate [OPUC]
5. Two CCs to GP for Mines & Geology, High Court of Andhra Pradesh. [OUT]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. One spare copy.

MSB



HIGH COURT

BKM,J

DATED:19/01/2023

ORDER

LIST ON 09.02.2023

WP.No.1078 of 2023

STATUS QUO

