

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO



WRIT PETITION NO: 19799 OF 2022

Between:

M/s. Bham Bham Granites, Represented by its Proprietor, P. Mahaboob Khan, S/o.P.Khasim Khan, aged 50 years, R/o. H.No.6/610B, Alur Road, Guntakal, Anantapur District, Andhra Pradesh.

Petitioner**AND**

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Mines and Geology Department, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
2. The Director of Mines and Geology, State of Andhra Pradesh office at Ibrahimpatan, Krishna District, Andhra Pradesh.
3. The Deputy Director of Mines and Geology, Kurnool, Andhra Pradesh.
4. The Assistant Director of Mines and Geology, Kurnool, Andhra Pradesh.
5. The Tahasildar, Aspari Mandal, Kurnool District, Andhra Pradesh.

Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not processing the application of the petitioner in the applied area (application Dated. 09.07.2013) for Quarry Lease for Color Granite in Survey No. 317 at Karumanchi Village, Aspari Mandal of Kurnool District to an Extent of 06.000 Hectors under the guise of subsequent G.O.Ms.No.13 of industries and Commerce (Mines-III) Department dated 14.03.2022 and in G.O.Ms.No.14 of industries and Commerce (Mines-III) Department dated 14.03.2022 in consonance with G.O.Ms. No. 65 of industries and Commerce (Mines-III) Department dated 04.08.2021 for mandating the payment of Premium Amount (Ten Times Annual Dead Rent) before issuing the Letter of intent (LOI) for grant of leases in contrary to section 15(3) of the Mines and Minerals (Development and Regulations) Act, 1957 and further not issuing mining lease to the petitioner over the subject land as highly illegal, arbitrary, unconstitutional also oppose to Articles 14, 19 (1) (g), of the Constitution of India and also oppose to the verdict of the Apex Court passed in Appeal Civil 800 of 2005 Dated. 12.12.2006 consequentially direct the respondents to consider the application of the petitioner without giving effect to the subsequent G.O.Ms.No.13 of industries and Commerce (Mines-III) Department dated 14.03.2022 and G.O.Ms.No.14 of Industries and Commerce (Mines-III) Department dated 14.03.2022 in consonance with G.O.Ms. No. 65 of industries and Commerce (Mines-III) Department dated 04.08.2021 for grant of mining lease for Color Granite in Survey No. 317 at Karumanchi Village, Aspari Mandal of Kurnool District to an Extent of 06.000 Hectors by following the rules and procedure prevailed prior to the issuance of the above Government Orders Dated. 14.03.2022 without considering them to have been rendered ineligible on account of the amended Rule 12(2) of the A.P. Minor Mineral Concession Rules, 1966.

IA NO: 1 OF 2022

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to consider the application of the petitioner without giving

effect to the subsequent G.O.Ms.No.13 of industries and Commerce (Mines-III) Department, dated 14.03.2022 and G.O.Ms.No.14 of Industries and Commerce (Mines-III) Department dated 14.03.2022 in consonance with G.O.Ms. No. 65 of industries and Commerce (Mines-III) Department, dated 04.08.2021 for grant of mining lease for Color Granite in Survey No. 317 at Karumanchi Village, Aspari Mandal of Kurnool District to an Extent of 06.000 Hectors by following the rules and procedure prevailed prior to the issuance of the above Government Orders Dated.14.03.2022 without considering them to have been rendered ineligible on account of the amended Rule 12(2) of the A.P. Minor Mineral Concession Rules, 1966, pending disposal of the Writ Petition No.19799 of 2022, 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.V.Sai Kumar Advocate for the Petitioner and learned Government Pleader for Revenue for Respondents, the Court made the following.

ORDER:

In similar matters, this Court by an order dated 24.06.2022 in W.P.No.14827 of 2022 and batch had directed the matters to be placed before Division Bench after obtaining order of the Hon'ble The Chief Justice.

Registry is directed to place the bundle before the Hon'ble the Chief Justice for appropriate directions.

In the meanwhile, no coercive steps shall be taken against the petitioner.

Sd/- V. SATYANARAYANA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Mines and Geology Department, State of Andhra Pradesh, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
2. The Director of Mines and Geology, State of Andhra Pradesh office at Ibrahimpatan, Krishna District, Andhra Pradesh.
3. The Deputy Director of Mines and Geology, Kurnool, Andhra Pradesh.
4. The Assistant Director of Mines and Geology, Kurnool, Andhra Pradesh.
5. The Tahasildar, Aspari Mandal, Kurnool District, Andhra Pradesh. (1 to 5 by RPAD)
6. One CC to SRI.V.SAI KUMAR Advocate [OPUC]
7. Two CCs to GP for Mines & Geology, High Court Of Andhra Pradesh. [OUT]
8. The Section officer, posting section High Court of A.P Amaravati
9. The Section officer, Writ Single (None Service, High court of A.P. Amaravati
10. One spare copy

SRL

HIGH COURT

RRRJ

DATED:08/07/2022

ORDER

WP.No.19799 of 2022

DIRECTION

