

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI PRASHANT KUMAR MISHRA
AND
THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION NO: 20642 OF 2022

Between:R Senthil, S/o. Rathinavel, aged 52 years, R/o. 2/241, Kathir ayakanaali P Harur,
Dharmapuri District, Tamilnadu.**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, Anantapur, Andhra Pradesh.
4. The Assistant Director of Mines and Geology, Anantapur, Andhra Pradesh.
5. The Tahasildar, Amaduguru Mandal, Anantapur District, Andhra Pradesh

Respondents

WHEREAS the Petitioner above named through his/her Advocate V SAI KUMAR presented this 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 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- 06.12.2018) for Quarry Lease for Color Granite in Survey Number 64 at Idigavaripalli Village, Amaduguru Mandal of Anantapur District to an Extent of 4.900 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 (LOT) 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 despite of No Objection from the Revenue Department 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 Number 64 at Idigavaripalli Village, Amaduguru Mandal of Anantapur District to an Extent of 4.900 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.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri.V.Sai Kumar Advocate for the Petitioner and of learned Government Pleader for Mines & Geology for Respondents, directed issue of notice to the Respondents herein **returnable in four weeks** to show cause as to why this WRIT PETITION should not be admitted.

You viz:

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, Anantapur, Andhra Pradesh.
4. The Assistant Director of Mines and Geology, Anantapur, Andhra Pradesh.
5. The Tahasildar, Amaduguru Mandal, Anantapur District, Andhra Pradesh

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 17.08.2022, on which date the case stands posted for hearing.

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 Number 64 at Idigavaripalli Village, Amaduguru Mandal of Anantapur District to an Extent of 4.900 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.20642 of 2022, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

(Through physical mode)

Heard Mr. V. Sai Kumar, learned counsel for the petitioner.

Issue notice to the respondents, returnable in four weeks.

Learned Government Pleader for Mines and Geology would accept notice on behalf of the respondents.

As the respondents are duly represented, no formal steps are called for.

In view of the statement made by the learned Government Pleader for Mines and Geology that the mining lease in respect of the subject area is not put to e-auction, we shall consider the prayer for grant of interim relief on the next date of hearing.

Post this case along with W.P.No.14827 of 2022.

SD/- B.CHITTI JOSEPH
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, Anantapur, Andhra Pradesh.
4. The Assistant Director of Mines and Geology, Anantapur, Andhra Pradesh.
5. The Tahasildar, Amaduguru Mandal, Anantapur District, Andhra Pradesh (1 to 5 by RPAD- along with a copy of petition and affidavit)
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, Writ (Non-service), High Court Of Andhra Pradesh.
9. The Section Officer, Writ (Posting), High Court Of Andhra Pradesh
10. Two CCs to GP for Revenue, High Court of Andhra Pradesh [OUT]
11. One spare copy

SRL

HIGH COURT

HCJ & DVSSJ

DATED:19/07/2022

NOTE: POST THIS CASE ALONG WITH W.P.No.14827 OF 2022

NOTICE BEFORE ADMISSION

WP.No.20642 of 2022

DIRECTION

