

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY ,THE FOURTEENTH DAY OF DECEMBER

TWO THOUSAND AND TWENTY TWO

:PRESENT:
THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 40288 OF 2022



Between:

M/s. Sri balaji granites, A Proprietary Concern, Rep. by its Proprietor, Chunduri Ravi Babu, S/o. Venkateswarlu, aged about 50 years, R/o.H.No.3-125C, Satyanarayanapuram, Ongole, Prakasam District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Industries and Commerce (Mines-II) Department, A.P. Secretariat at Velagapudi, Amaravathi, Guntur District
2. The Director of Mines and Geology, Anjaneya Towers, Ibrahimpatnam, Krishna District
3. The Assistant Director of Mines and Geology, Prakasam District at Ongole.
4. M/s. Venkateswara Granities, Rep. by its Proprietor, Pamidi Venkata Rao, S/o Ramachandraiah, R.L. Puram (V), Chimakurthy (M), Prakasam District
5. M/s. Padmavathi Granities, Rep. by its Proprietor, Pamidi Venkata Ramesh Babu, S/o Venkata Rao, R.L. Puram (V), Chimakurthy (M), Prakasam District.
6. M/s Golden Rocks and Minerals (P) Ltd., Rep. by its Managing Director, B. Krishna Chaitanya, S/o Chenchugarataiah, 1226, Road No.62-A, Shaikpet, Jubilee Hills, Hyderabad, Telangana - 500 033.
7. C.M. Venkata Lakshamma, W/o C.M. Balarami Reddy, C/o M/s. Ramakrishna Chemical Limited, Gandhi Nagar, R.S. Road, Kadapa.
8. M/s. Corner Stone, Rep. by its Proprietor M. Chitti Babu, S/o M. Priyanadhan, Door.No.8-216, Old Sujata Nagar, 2nd Lane, VIP Road, Lawyerpet Extension, Ongole Town, Prakasam District.
9. D. Karunakara Reddy, S/o Konda Reddy, 5th lane, Vidya Nagar, Mulaguntapadu Singarayakonda Mandal, Prakasam District.
10. Vaka Srinivasa Reddy, S/o Venkata Hanuma Reddy, K.Uopalapadu Village, Kondepi Mandal, Prakasam District.
11. K. Venkata Ramana, , S/o Late. K. Raja Rao, 99, Parama Reddy Hills, Rajendra Nagar Ring Road, Hyderabad - 500 048, Telangana State.

12. M/s. Central Granities, Rep. by its Managing Partner, V. Prasad, Plot No.6, Ground Floor, Saradhi Street, T.Nagar, Chennai, Tamil Nadu.
13. Hamsa Minerals and Exports, Rep. by its G.P.a. V. Sundarnath Reddy, Plot No.1, SBI Colony, Kurnool Road, Ongole, Prakasam District.
14. M/s. Venus Granities, Rep. by its Partner, K.Yasuff Basha, Door No.4/59, Bharathi Street, Swarnapuri Five Roads, Salem, Tamil Nadu.
15. M/s. Sri Lakshmi Venkateswara Granities, Rep. by its Proprietor P. Venkata Ramesh Babu, Flat No.G4, Guptas Temple View, Opp. Sai Baba Temple, Lawyerpet, Ongole, Prakasam District.
16. B. Anjaneyulu, S/o Peraiah, H.No.5-62/63, Sravya Residency, Venkateswara Nagar, 1st Lane, Kurnool Road, Lawyerpet, Ongole, Prakasam District.
17. M/s. Veerabhadra Minerals Private Limited, Rep. by its Managing Director, G.V. Pratap Reddy, 3-A, Siva Sai Sannidhi Plot No.32, Hindi Nagar Opp. Shirdi Saibaba Temple, Punjagutta, Hyderabad, Telangana State.

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 one in the nature of Writ of Mandamus, declaring the Proceedings No.2865/D9/2022, dated 28.10. 2022 passed by the 2nd respondent declaring the applications of the petitioner along with other 14 applicants as ineligible as per rule 12(5) (a) (i) of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Andhra Pradesh Minor Mineral Auction Rules, 2022 amended vide G.O.Ms.No.13, dated 14.03.2022 and G.O.Ms.No.14, dated 14.03.2022 for grant of quarry lease over in an extent of Ac 3.271 hectares in sy.No.65/1A of R.L. Puram Village, Chimakurthy Mandal, Prakasam District, is illegal, irregular, arbitrary, unconstitutional and contrary to the Andhra Pradesh Minor Concessional Rules and consequently direct the respondents 2 and 3 to process the application of the petitioner as a first one on priority basis and pass such

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Proceedings No.2865/D9/2022, dated 28.10.2022 passed by the 2nd respondent declaring the applications of the petitioner along with other 14 applicants as ineligible as per rule 12(5) (a) (i) of Andhra Pradesh Minor Mineral Concession Rules, 1966 and the Andhra Pradesh Minor Mineral Auction Rules, 2022 amended vide G.O.Ms.No.13, dated 14.03.2022 and G.O.Ms.No.14, dated 14.03.2022 for grant of quarry lease over in an extent of Ac.3.271 hectares in sy.No.65/1A of R.L. Puram Village, Chimakurthy Mandal, Prakasam District pending disposal of the writ petition and pass such, Pending disposal of WP 40288 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 KOTI REDDY IDAMAKANTI Advocate for the Petitioner and of GP FOR MINES AND GEOLOGY for the Respondent Nos.1 to 3, the Court made the following.

ORDER

"Heard the counsel for the petitioner.

Learned Government Pleader for Mines and Geology takes notice for the respondents 1 to 3.

Learned counsel for the petitioner submits that he is not-pressing the claim against the respondents 4 to 17 and seeks to strike off them from the array of the respondents.

The grievance of the writ petitioner is that the petitioner's application dated 31.10.2000 for grant of quarry lease for Black Galaxy Granite in Sy.No.65/1A of R.L.Puram Village, Cheemakurti Mandal, Prakasam District, in an extent of 3.271 hectares, is rejected by the 2nd respondent vide proceedings dated 28.10.2022, which is assailed in this writ petition on the ground that G.O.Ms.No.14, Ind. & Com. (M.III) Dept., dated 14.03.2022 has no application for the facts of the case, as the extent involved in this case is only less than 4 hectares. Whereas, the 2nd respondent erroneously applied the said G.O. for the facts of this case and rejected the application of the petitioner.

On the other hand, the learned Government Pleader contends that the old application cannot be considered at this stage in view of the amended rules, however seeks time for filing a detailed counter.

In view of the above said facts and circumstances, the impugned proceedings of the 2nd respondent, dated 28.10.2022 is subject to the outcome of this writ petition.

Post after four (04) weeks.

In the meanwhile, counter shall be filed."

//TRUE COPY//

**SD/-SK MD RAFI
ASSISTANT REGISTRAR
For ASSISTANT REGISTRAR**

To,

1. The Principal Secretary, Industries and Commerce (Mines-II) Department, A.P. Secretariat at Velagapudi, Amaravathi, Guntur District
2. The Director of Mines and Geology, Anjaneya Towers, Ibrahimpatnam, Krishna District
3. The Assistant Director of Mines and Geology, Prakasam District at Ongole.
4. The Proprietor, M/s. Venkateswara Granities, Pamidi Venkata Rao, S/o Ramachandraiah, R.L. Puram (V), Chimakurthy (M), Prakasam District
5. The Proprietor, M/s. Padmavathi Granities, Pamidi Venkata Ramesh Babu, S/o Venkata Rao, R.L. Puram (V), Chimakurthy (M), Prakasam District.
6. The Managing Director, B. Krishna Chaitanya, S/o Chenchugarataiah, M/s Golden Rocks and Minerals (P) Ltd., 1226, Road No.62-A, Shaikpet, Jubilee Hills, Hyderabad, Telangana - 500 033.
7. C.M. Venkata Lakshamma, W/o C.M. Balarami Reddy, C/o M/s. Ramakrishna Chemical Limited, Gandhi Nagar, R.S. Road, Kadapa.
8. The Proprietor M. Chitti Babu, S/o M. Priyanadhan, M/s. Corner Stone, Door.No.8-216, Old Sujata Nagar, 2nd Lane, VIP Road, Lawyerpet Extension, Ongole Town, Prakasam District.
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11. K. Venkata Ramana, , S/o Late. K. Raja Rao, 99, Parama Reddy Hills, Rajendra Nagar Ring Road, Hyderabad - 500 048, Telangana State.
12. The Managing Partner, V. Prasad, M/s. Central Granities, Plot No.6, Ground Floor, Saradhi Street, T.Nagar, Chennai, Tamil Nadu.
13. The G.P.a. V. Sundarnath Reddy, Hamsa Minerals and Exports Plot No.1, SBI Colony, Kurnool Road, Ongole, Prakasam District.
14. The Partner, K.Yasuff Basha, M/s. Venus Granities, Door No.4/59, Bharathi Street, Swarnapuri Five Roads, Salem, Tamil Nadu.
15. The Proprietor P. Venkata Ramesh Babu, M/s. Sri Lakshmi Venkateswara Granities, Flat No.G4, Guptas Temple View, Opp. Sai Baba Temple, Lawyerpet, Ongole, Prakasam District.
16. B. Anjaneyulu, S/o Peraiah, H.No.5-62/63, Sravya Residency, Venkateswara Nagar, 1st Lane, Kurnool Road, Lawyerpet, Ongole, Prakasam District.
17. The Managing Director, G.V. Pratap Reddy, M/s. Veerabhadra Minerals Private Limited, 3-A, Siva Sai Sannidhi Plot No.32, Hindi Nagar Opp. Shirdi Saibaba Temple, Punjagutta, Hyderabad, Telangana State. (by RPAD)
18. One CC to SRI. KOTI REDDY IDAMAKANTI Advocate [OPUC]
19. Two CCs to GP FOR MINES AND GEOLOGY ,High Court Of Andhra Pradesh. [OUT]

HIGH COURT

BKMJ

DATED:14/12/2022

NOTE : POST AFTER FOUR WEEKS

ORDER

WP.No.40288 of 2022

DIRECTION

