

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).29217/2009

(From the judgment and order dated 23/10/2009 in WP No.19355/2009 of
The HIGH COURT OF A.P AT HYDERABAD)

M/S PERECHARLA QUARRY WORKERS LCC SOCIETY

Petitioner(s)

VERSUS

THE PERECHARLA QUARRY WORKERS
LABOUR CONTRACT COOP. SOCIETY LTD. & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and
prayer for interim relief)

WITH SLP(C) NO. 31779-31780 of 2009

(With appln(s) for production of additional documents and with
prayer for interim relief and office report)

Date: 24/04/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. L. Nageshwara Rao, Sr. Adv. (N.P.)
Mr. V. Sridhar Reddy, Adv.
Mr. V.N. Raghupathy, Adv.

For Respondent(s) Mr. P. Venkat Reddy, Adv.
Mr. Anil Kumar Tandale, Adv.

Mr. Venkateswara Rao Anumolu, Adv.
Mr. A.V.S. Raju, Adv.

Mr. K. Maruthi Rao, Adv.
Ms. K. Radha, Adv.
Mrs. Anjani Aiyagari, Adv.

Ms. C.K. Sucharita, Adv
Mr. G.N. Reddy, Adv

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UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the
signed order.

(NARENDRA PRASAD)
COURT MASTER

(RENUKA SADANA)
COURT MASTER

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3986 OF 2012
(Arising out of SLP(c) No.29217 of 2009)

M/S PERECHARLA QUARRY WORKERS LCC SOCIETY

Petitioner(s)

VERSUS

THE PERECHARLA QUARRY WORKERS
LABOUR CONTRACT COOP. SOCIETY LTD. & ORS. Respondent(s)
WITH
CIVIL APPEAL NO. 3987-3988 OF 2012
(Arising out of SLP(c) No. 31779-31780 of 2009)

O R D E R

Leave granted.

The Deputy Director of Mines & Geology passed

an order vide proceeding No.4977/Q1/2009 dated

25.8.2009 granting mining lease to M/s. Perecherla

Quarry Workers L.C.C. Sty. Ltd. Admittedly, the said

society had mining lease earlier and it filed an
application for renewal. Of course, the application

for renewal was not within time. Deputy Director,

however, granted renewal of mining lease in favour of

the above-mentioned society for an extent of 8-00

acres, under Rule 13(2) and Rule 15 of the A.P.M.M.C.

Rules, 1966, subject to the condition that the

grantee should produce N.O.C. for a further period of

five years from VGTM/UDA, Guntur.

Aggrieved by the said order, the first

respondent herein filed Writ Petition No.19355 of

2009 before the High Court of Judicature at Andhra

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Pradesh to quash the order dated 25.8.2009 of the

Deputy Director of Mines and Geology, Guntur.

The

same was heard along with Writ Appeal No.1810 of 2008

and Writ Petition No.21842 of 2009 and a common

judgment was delivered on 23.10.2009.

Writ appeal

and writ petitions were allowed and the order dated

25.08.2009 was set aside.

The High Court directed

the Deputy Director of Mines and Geology, Guntur, to

process and consider the applications already

received and those that may be received, within a

time frame and pass appropriate orders.

Aggrieved by that judgment, this appeal has

been preferred and this Court passed an order of stay

and hence appellant is still continuing with the

mining lease.

When the matter came up for hearing the

counsel appearing for the appellant brought to our

knowledge a detailed report (Document No.6 at page 28

of volume 2), submitted by the Asstt. Registrar

(Office)/Inquiry Officer to the District Cooperative

Officer, Guntur. The report is self-explanatory and

hence we are not referring to the details furnished

in that report. Learned counsel appearing for the

respondent submitted that since the renewal

application was filed belatedly, the Director of

Mines was not justified in entertaining the

application of the society for granting/renewing the

mining lease. ⁴ Further he has submitted that various

allegations made in the report are absolutely

incorrect and cannot be accepted.

Considering the facts and circumstances of the

case, we are of the view that the benefit of

quarrying road metal lease should be made available

only to the society and society alone and not to the

President or Secretary in their personal capacity.

Arguments were raised by either side that the

President and Secretary themselves are appropriating

the benefit arising out of the mining lease and benefit is not accruing to the actual members of the society. Under the above circumstances, we are inclined to direct the Asstt. Registrar Cooperative Society, Guntur to see that the benefit of the order dated 25.8.2009 be available only to the Society and its valid members. Learned counsel for the respondent submits that the appellant society is not functioning and hence the order dated 25.8.2009 be not given effect to. We express no opinion on that contention. It is for the Registrar of Cooperative Society and Director of Mines to decide as to whether the society is functioning and see that the benefit enures to the society.

Subject to the above observations, the appeals are allowed and the judgment of the High Court is set aside.

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.....J.
[K.S. RADHAKRISHNAN]

.....J.
[DIPAK MISRA]

NEW DELHI;
APRIL 24, 2012