

THE HONOURABLE SRI JUSTICE N.V. RAMANA

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REV. WPMP No. 29196 OF 2005

IN

W.P. NO. 22577 OF 2003

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ORAL ORDER:

Seeking to review the order dated 31.8.2005 passed by this court dismissing WP No. 22577 of 2003, as infructuous, based on the submission made by the learned Government Pleader for Industries that the quarry lease granted to the petitioner herein had already expired, the petitioner preferred this Review Petition inter alia contending that the counsel, by mistake, could not note down the case, and as such, there was no representation before this court, and on the basis of the representation of the learned Government Pleader that the lease granted to the petitioner had already expired and nothing survives for adjudication, the writ petition was dismissed as infructuous.

The main contention of the learned counsel for the petitioner is that the prayer in the writ petition has no nexus with the lease granted to the petitioner. He also contends that assailing the auction notification that appeared in Vartha, a Telugu Daily, on 1.10.2003, and seeking a consequential direction to the respondents to allow the petitioner to lift the colour granite of 85.602 cubic meters (17 blocks), which were excavated by the petitioner from his own leased area, the writ petition was filed.

The third respondent Assistant Director of Mines and Geology, Tekkali, Srikakulam District, filed a detailed counter affidavit, denying that the alleged granite is excavated from the land leased to the petitioner. On the other hand, it is the case of the respondent that it is excavated from the neighbouring area, which is not within the lease

area granted to the petitioner.

After extensive arguments, the learned counsel for the petitioner sought a direction to the respondents to consider the case of the petitioner for the release of the property in terms of Rule 26 of the A.P. Minor Mineral (Concession) Rules, 1966.

In view of these submissions, the Review Petition is disposed of with a direction to the respondents to consider the application dated 9.12.2001 filed by the petitioner in accordance with the A.P. Minor Mineral (Concession) Rules, 1966, and pass an appropriate order.

With this direction, the Review Petition is disposed of. No order as to costs.

N.V.RAMANA, J.

February 17, 2006

MAS.