

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)



THURSDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 21943 OF 2023

Between:

QGN GRANITES, , H. No. 1056/A, Bhagyanagar, Guntakal Village and Mandal, KURNOOL District, Andhra Pradesh. Represented by its Managing Partner, Sri P Mahaboob Khan, S/o. Khasim Khan, aged 50 years, R/o. H. No. 6-1056-A, Bhagyanagar, Guntakal Village and Mandal, Anantapur District, Andhra Pradesh

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by its Principle 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, Kurnool District, Andhra Pradesh.
4. The Assistant Director of Mines and Geology, Kurnool, Kurnool District, Andhra Pradesh.

...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 or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent no. 2 in passing the order in D. Dis. Proceedings No. 5758931/D10/2022 dated 05.08.2022 by determining the lease of the petitioner in an extent of 1,000 hector in Sy. No. 10 of Sambagallu Village, Adoni Mandal, Kurnool District without considering the reply made by the petitioner and also non disclosure of the same as illegal, arbitrary and also oppose to all cannons of justice as well as oppose to Article 14 of the Constitution of India consequentially suspend the operation of the order in D. Dis. Proceedings No. 5758931/D10/2022 dated 05.08.2022 by allowing the petitioner to operate the quarry in an extent of 1,000 hector in Sy. No. 10 of Sambagallu Village, Adoni Mandal, Kurnool District as per the lease deed dated 26.09.2008 which was in force up to 25.09.2028.

IA NO: 1 OF 2023

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 operation of the order in D. Dis. Proceedings No. 5758931/D10/2022 dated 05.08.2022 by allowing the petitioner to operate the quarry in an extent of 1.000 hector in Sy. No. 10 of Sambagallu Viliage, Adoni Mandal, Kurnool District as per the lease deed dated 26.09.2008 which was in force up to 25.09.2028 pending disposal of the above writ petition.

Counsel for the Petitioner: SRI V SAI KUMAR

Counsel for the Respondents 1 to 4: GP FOR MINES AND GEOLOGY

The Court made the following Orders:

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.21943 OF 2023

M/s QGN Granites, H.No.1056/A, Bhagyanagar, Guntakal Village and Mandal, Anantapur District, Andhra Pradesh, represented by its Managing Partner, Sri P.Mahaboob Khan, S/o Khasim Khan, aged 50 years, R/o H.No.6-1056-A, Bhagyanagar, Guntakal Village and Mandal, Anantapur District, Andhra Pradesh.

... Petitioner

Versus

The State of Andhra Pradesh, Represented by its Principal Secretary, Mines & Geology Department, Velagapudi, Amaravati, Guntur District and three (3) others.

... Respondents

Counsels for the petitioner : Sri V.Sai Kumar

Counsel for respondents : GP for Mines & Geology

ORDER

The writ petition is filed under Article 226 of the constitution of India to declare the proceedings vide D.Dis No.5758931/D10/2022, dated 05.08.2022 issued by the 2nd

respondent-Director of Mines and Geology, Ibrahimpatnam whereby the lease granted in favour the petitioner was determined, as illegal and arbitrary.

2. Learned counsel for the petitioner would submit that though the lease was determined on 05.08.2022, the same was not communicated to the petitioner. However, learned Government Pleader for Mines and Geology would submit that the proceedings, impugned in the writ petition, were communicated to the petitioner by registered post on 25.08.2022.

3. Against the proceedings impugned an appeal would lie under Rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short "the Rules").

4. In view of the same, learned counsel for the petitioner seeks leave of the Court to avail remedy of filing revision before the authority.

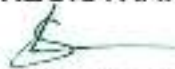
5. In view of the submission of the learned counsel the Writ Petition is disposed of giving liberty to the petitioner to challenge the proceeding impugned in the writ petition before

the authority by availing appropriate remedy under Rule 35-A of the APMMC Rules, 1966. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

SD/- P.U.V.BHASKARA RAO
ASSISTANT REGISTRAR

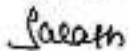
//TRUE COPY//


SECTION OFFICER

To,

1. The Principle 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, Kurnool District, Andhra Pradesh.
4. The Assistant Director of Mines and Geology, Kurnool, Kurnool District, Andhra Pradesh.
5. One CC to SRI V Sai Kumar Advocate [OPUC]
6. Two CCs to GP for Mines And Geology, High Court Of Andhra Pradesh. [OUT]
7. Two CD Copies.

BHARGAVI



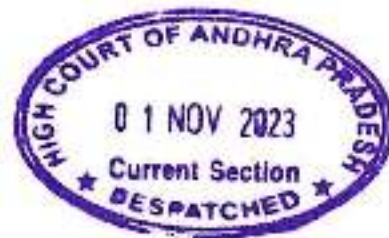
HIGH COURT

DATED: 31/08/2023

ORDER

WP.No.21943 of 2023

10 Copies
YVRS
26/10/23



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**