

APHC010102322013



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

[3310]

MONDAY ,THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT PETITION NOs: 37695/2013 & 3669/2014

W.P.No.37695 of 2013:

Between:

Integrated Tribal (education & Rural).,

...PETITIONER

AND

Prl Secy Industries Commerce Dept 4
Others and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.E V V S RAVI KUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR PANCHAYAT RAJ RURAL DEV

3.GP FOR MINES AND GEOLOGY

W.P.No.3669 of 2014:

Between:

Integrated Tribal (Education & Rural)
Development Society,

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.E V V S RAVI KUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR PANCHAYAT RAJ RURAL DEV

3.GP FOR MINES AND GEOLOGY

The Court made the following:

COMMON ORDER :

W.P.No.37695 of 2013 is filed, under Article 226 of the Constitution of India, seeking the following relief:

“....to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the respondents 1 to 5 on repeated representations and on one such representation dated 26.03.2012 for grant of ordinary sand quarry lease located in Polavaram Village Survey No. 826 and Paidipaka Village Survey No. 119 of Polavaram Mandal in West Godavari District in terms of Section 11 of Mines Minerals Development and Regulation Act 1957 and also notifying for auction of leasehold rights of said sand reaches as illegal irregular irrational without jurisdiction violative of principles of natural justice provisions of Mines and Minerals Development and Regulation Act, 1957 and Andhra Pradesh Minor and Mineral Concession Rules, 1966 and offends article 14 and 21 of Constitution of India and consequently direct the respondents to grant lease of said sand reaches in favour of petitioner and”

W.P.No.3669 of 2014 is filed, under Article 226 of the Constitution of India, seeking the following relief:

“.... to issue a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the Memo No. 1651/SPIUSAND/A1/20124 dated 06.12.2013 Memo No 1651/SP1USAND/A1/20125 dated 18.12.2013 issued by 1st respondent and consequential order in Procs. No C3/2214/DWMA/2013 dated 03.01.2014 passed by 6th respondent in extending the sand quarry lease located in Polavarain Village survey No. 826 of Polavaram Mandal in West Godavari District as illegal irregular irrational without jurisdiction violative of principles of natural justice provisions of Mines and Minerals Development and Regulation Act, 1957 and Andhra Pradesh Minor and Mineral Concession Rules, 1966 Andhra Pradesh Water Land and frees Act, 2002 and rules framed thereunder and offends article 14 and 21 of constitution of India and consequently direct the respondents 1 to 6 not to allow 7th respondent to operate any sand mining activity under the aforesaid renewal.....”

2. As the issue involved and the petitioner in both the writ petitions are one and the same, they are being taken up for disposal by way of a common order.

3. Since the facts in both the writ petitions are similar and identical, therefore WP No.37695 of 2013 is taken as lead case, and the facts therein hereinafter will be referred to for convenience.

4. The facts of the case are that the Petitioner society is bearing Registration No: 258/2006 stood registered on the rolls of societies of Societies Registrar, West Godavari District with its office at Tapasivarigudem Village, West Godavari under the Provisions of Andhra Pradesh Societies Registration Act, 2001. The respondents 3 to 5 have inspected the lands in survey No: 826 of Polavaram Village and also lands in survey No: 119 Paidipaka Village in West Godavari District on 06.12.2013 for conducting auction of ordinary sand quarry lease. The petitioner again approached the respondents with a representation dated 13.12.2013 seeking to grant lease in favour of the petitioner. For the years 2007 to 2009 open auction was conducted and lease was granted in favour of one S.V.R. Apparao and he had paid an amount of Rs. 19,00,000/- for the year 2007-2008 for 32,100m³ and Rs. 22,80,000/- for the year 2008-2009 for 83,700m³. A cubic meter is sold for Rs.60/- for the year 2007-2008 and at Rs.27/- for the year 2008-2009. The respondents 3 to 5 are acting as hand in glove with the Sand Syndicate. The petitioner submitted duly filled application to the 1st respondent and the petitioner is ready to pay an additional 10% of the royalty on the lease amount to be fixed by the respondents, as per the provisions of Andhra

Pradesh Mines and Minerals (Development & Regulation) Act, 1957 and rules framed thereunder. But the respondents have not taken any action so far.

5. Heard Sri Vijay Kumar Sata, learned counsel representing, Sri E.V.V.S. Ravi Kumar, learned counsel for the petitioner. Ms. P.Sudeepthi, learned Assistant Government Pleader for Mines and Geology for the respondents.

6. On hearing, learned counsel for the petitioner while reiterating the averments made in the petitions, requests this Court to pass appropriate orders.

7. Whereas, learned Assistant Government Pleader for the respondents vehemently opposed for allowing the writ petition and submits that due to change in the Sand Policy, nothing survives in the present writ petitions and the same are liable to be closed.

8. Recording the submissions of learned Assistant Government Pleader, these Writ Petitions are closed. However, if at all any grievance subsists, the petitioner is at liberty to file fresh representation to the respondents concerned within one week. On such receipt of representation, the respondents concerned authorities are directed to consider the representation submitted

by the petitioner afresh and pass appropriate reasoned order within a period of eight (08) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, shall stands closed.

DR. K. MANMADHA RAO, J.

Date : 30.09.2024
VNB

HON'BLE DR.JUSTICE K.MANMADHA RAO

W.P.Nos.37695 of 2013 & 3669 of 2014

Date: 30.09.2024

VNB