

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

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

PRESENT

THE HONOURABLE DR JUSTICE K MANMADHA RAO



WRIT PETITION NO: 33614 OF 2014

Between:

1. Chintalapudi Kiran Kumar, S/o. late Bhaskara Rao, aged about 39 years, Occ: Business, R/o. D.No.11-5-45, Kalinga Road, Srikakulam, Andhra Pradesh.

...Petitioner

AND

1. The Government of Andhra Pradesh, Industries and Commerce, Department, Secretariat Buildings, Hyderabad, rep. by its Principal Secretary.
2. The Assistant Director, Mines and Geology Department, Santhinagar Colony, Srikakulam, A.P.

...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 inaction of the 2nd respondent in not issuing way bills to a tune of 1472 cum for lifting of sand situated at Madapa Village, Narasannapeta Mandal, Srikakulam District despite the direction issued by the Director of Mines and Geology, Government of Andhra Pradesh in Memo No. 4059/R5-sand/2014 dated 12.08.2014, as arbitrary, unjust, failure to exercise power, discriminatory, violative of the A.P. Minor Mineral Concession Rules apart from being violative of the Fundamental Rights guaranteed under Article-14, 19(1)(g) of the Constitution of India and consequently direct the 2nd respondent to issue

permits to a tune of 1472 cum of sand situated at Madapa Village, Narasannapeta Mandal, Srikakulam District.

I.A. NO: 1 OF 2014 (WPMP. NO: 42047 OF 2014)

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 direct the 2nd respondent to issue permits to a tune of 1472 cum of sand situated at Madapa Village, Narasannapeta Mandal, Srikakulam District pursuant to the orders of the Director of the Mines and Geology dated 12.07.2014 in Memo No.4059/R5-sand/2014, pending disposal of the writ petition

Counsel for the Petitioner : SRI. C V R RUDRA PRASAD

**Counsel for the Respondent No. 1 & 2 : GP FOR MINES AND GEOLOGY
(AP)**

The Court made the following ORDER :



**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 NO: 33614/2014

Between:

Chintalapudi Kiran Kumar,

...PETITIONER

AND

**The Government Of Andhra Pradesh
Industries And Commerce and Others**

...RESPONDENT(S)

Counsel for the Petitioner:

1.C V R RUDRA PRASAD

Counsel for the Respondent(S):

1.GP FOR MINES AND GEOLOGY (AP)

The Court made the following:

THE HONOURABLE DR JUSTICE K MANMADHA RAO
WRIT PETITION NO: 33614 of 2014

ORDER :

This Writ Petition 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 2nd respondent in not issuing way bills to a tune of 1472 cum for lifting of sand situated at Madapa Village Narasannapeta Mandal Srikakulam District despite the direction issued by the Director of Mines and Geology Government of Andhra Pradesh in Memo No 4059/R5sand/2014 dated 12.08.2014 as arbitrary, unjust, failure to exercise power, discriminatory, violative of the A P Minor Mineral Concession Rules apart from being violative of the Fundamental Rights guaranteed under Article 14, 19(1)(g) of the Constitution of India and consequently direct the 2nd respondent to issue permits to a tune of 1472 cum of sand situated at Madapa Village Narasannapeta Mandal Srikakulam District and to pass.....”

2. Heard Sri T.B.L.Murthy, learned counsel representing Sri C.V.R.Rudra Prasad, learned counsel for the petitioner and Ms. P.Sudeepthi, learned Assistant Government Pleader for Mines and Geology for the respondents.

3. On hearing the learned Assistant Government Pleader furnished a copy of written instructions (the remarks on Madapam Sand Stocks, Narasannapeta Mandal, Srikakulam District) submitted by the Assistant Director of Mines and Geology, Srikakulam. The relevant portion is extracted hereunder:

"Further the Asst. Director of Mines and Geology, Srikakulam vide Lr.No.2285/Q/Vg/2011, dated 27-7-2011 has requested the Deputy Director of Mines and Geology, Visakhapatnam to fix the minimum bid amount and also to give permission to dispose the stocks in public auction. The Dy. Director of Mines and Geology, Visakhapatnam vide Memo.No.2231/M/2000, dated 30-7-2011 has accorded permission to dispose the sand stocks in public auction with minimum upset price of Rs.3,53,280/- on the illicit stocks of 1472 Cum. of ordinary sand stocked at Madapam Village, Narasannapeta Mandal, Srikakulam District.

Through this office vide Notification No.2285/Vg/2011, dated 26-8-2011 has requested and addressed all the Tahsildars, Mandal Parishad Development Officers in the district put in their Notice Board for wide publicity and auction was conducted on 13-9-2011. During the auction, 01 person was participated in the auction. Sri Ch. Kiran Kumar has stands as highest bidder for Rs.3,53,889/-.

Further, Sri Ch.Kiran Kumar has paid the total amount of Rs.3,53,889/- The Dy. Director of Mines and Geology, Visakhapatnam vide Memo.No.2231/Q3/2006, dated 11-10-2011 has confirmed and directed to take necessary action in respect of the seized stocks of ordinary sand lying at Madapam Village of Narasannapeta Mandal,

Srikakulam District as per Rule 9(h)(i) of APMMC rules, 1966.

Further, it is submitted that Sri Ch. Kiran Kumar, the highest bidder vide his representation dated 27-3-2014, has informed that he was not able to lift the illegal stocks of ordinary sand awarded to him due to the objections with the local people and now he has resolved all the problems and requested to issue necessary orders for lifting of the ordinary sand stocks to the tune of 1472 Cum. worth of Rs.3,53,889/- awarded through public auction.

Further, this office vide Letter No.2285/Q/Vg/2011, dated 31-7-2014 has submitted proposals to the Director of Mines and Geology, Hyderabad for issue of permit for ordinary sand stocks to the tune of 1472 Cum. lying at Madapam Village, Narasannapeta Mandal, Srikakulam District in favour of Sri Ch.Kiran Kumar, the highest bidder.

The Director of Mines and Geology, Hyderabad vide Memo.No.4059/R5- Sand/2014, dated 12-8-2014 has directed this office to bring the matter to the notice of the District Level Committee (Sand) for ascertaining factual field position and to obtain necessary permission from D.L.C for issue of permits in favour of Sri Ch.Kiran Kumar for lifting of the seized stocks of ordinary sand to the tune of 1472 Cum. lying at various places in Madapam village of Narasannapeta Mandal, Srikakulam District keeping in view of the auction conducted earlier for seized stocks and awarded to Sri Ch.Kiran Kumar."

4. Learned Assistant Government Pleader submits that in view of the above, the cause in the writ petition does not survive and the same is liable to be closed.

5. Recording the above submissions, the Writ petition is closed. No order as to costs.

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

//TRUE COPY//

Sd/- A VENU GOPALA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI. C V R RUDRA PRASAD Advocate [OPUC]
2. Two CCs to GP FOR MINES AND GEOLOGY (AP) ,High Court Of Andhra Pradesh. [OUT]
3. Three CD Copies

PMT

DB Section

HIGH COURT

DATED : 30/09/2024

ORDER

WP.No.33614 of 2014



**CLOSING THE WP
WITHOUT COSTS**