

(2010) 02 AP CK 0015

In the Andhra Pradesh High Court

Case No : Writ Petition No. 2259 of 2010

The Krishna Country Canal Boat Workers and Labour Contract
Co-operative Society Ltd.

APPELLANT

Vs

The Assistant Director of Mines and Geology

RESPONDENT

Date of Decision : 08-02-2010

Acts Referred:

Andhra Pradesh Minor Mineral Concession Rules, 1966 — Rule 9(L)

Citation : (2010) 2 ALD 286 : (2010) 3 ALT 100 : (2010) FAJ 104

Hon'ble Judges : Gopala Krishna Tamada, J

Bench : Single Bench

Advocate : C.V.R. Rudra Prasad, for the Appellant; GP, for the Respondent

Judgement

Gopala Krishna Tamada, J.—Pursuant to the auction notice No. 478/Q/2007 dated 07.03.2008 issued by the respondent inviting applications for grant of leasehold rights in respect of Sand Reach, Ibrahimpatnam, Krishna District, the petitioner society has participated in the auction conducted on 27.03.2008 and became the highest bidder for a sum of Rs. 1,15,55,999/- for a period of one year. Accordingly, the respondent issued work order on 04.04.2008 and executed a lease deed in favour of the petitioner on the same day. When the petitioner was about to start the quarry operations, the respondent directed the petitioner to stop quarry operations on the ground that this Court, by an order dated 16.04.2008, in W.P. No. 7681 of 2008, restrained it from enjoying the leasehold rights. After dismissal of the said writ petition, at the request of the petitioner, the respondent has issued despatch permits on 14.07.2008 and since then the petitioner has been continuing the quarry operations. Subsequently, the petitioner submitted a representation to the respondent seeking permission to continue the quarry operations for a period of 89 days over and above the lease period, as it was prevented from enjoying the lease from 16.04.2008 to 13.07.2008, by virtue of the interim orders passed by this Court in the said writ petition. While so, the respondent, by an order 03.04.2009, renewed the lease till 03.04.2010 without taking into consideration the representation of the

petitioner. Hence, the petitioner submitted another representation to the respondent on 24.12.2009. In spite of the same, the respondent has not passed any orders so far. The same is questioned in this writ petition.

2. Heard the learned Counsel for the petitioner and the learned Government Pleader for Mines and Geology.

3. The facts of the case are not in dispute. The only contention urged by the learned Government Pleader is that according to Rule 9(L) of the A.P. Minor Mineral Concession Rules, 1966 (for short "the Rules"), extension of lease is not permissible. In this context, it may be necessary to extract 9(L) of the Rules as under:

Penal Clause: The successful tenderer or bidder shall have no claims for any compensation due to floods or heavy rains or any other situation and extension of lease period shall not be granted under any circumstances.

4. There is no dispute with regard to the aforesaid provision of law. In fact, Rule 9(L) of the Rules was interpreted by this Court and a Division Bench of this Court had also categorically held that under no circumstances, lease of any lessee can be extended beyond the period of lease. Keeping in mind certain contingencies, such as, floods, heavy rains, etc., Rule 9(L) of the Rules was incorporated. But herein is a case where the petitioner could not carry on or commence the quarry operations from the date of the work order, on account of the interim orders passed by this Court, and the same, in my considered view, can not be said to be attracted by Rule 9(L) of the Rules and the same is not applicable to the case on hand. In the light of the above, the respondent is hereby directed to permit the petitioner to carry on the quarry operations for a period of 89 days or as calculated by him over and above the lease period.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs.