

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No.1831 of 2022

ORDER:

The case of the petitioner is as follows:

The petitioner had applied for a quarry lease, for excavation of road metal and building stone, over an extent of 1.340 hectares in Sy.No.224 of Budagavi Village, Uravakonda Mandal, Anantapur District. This application was initially accepted and the petitioner was granted a quarry lease. The said grant of quarry lease was revoked by the Deputy Director, Kurnool District vide proceedings No.752/Q4/09 dated 27.05.2009. Aggrieved by the said order, the petitioner filed an appeal before the 2nd respondent, who set aside the revocation orders and directed the petitioner to execute a lease deed within 30 days from the date of receipt of the appeal orders. However, the petitioner claims that he could not execute the lease deed as he was paralysed and also could not challenge the proceedings No.38151/ATP/AM/2010, dated 16.01.2012, issued by the 2nd respondent due to his illness. The petitioner has approached this Court, seeking a direction to the 2nd respondent to execute the lease deed in terms of the original proceedings of grant of lease.

2. The respondents have filed a counter affidavit stating that the order dated 16.01.2012 did not grant any time to the petitioner to execute a fresh lease deed. It states that the appeal filed by the petitioner was dismissed without any further directions.

3. As the petitioner had already filed an appeal and the same was dismissed, the petitioner cannot approach this Court for execution of a lease deed on the basis of the original proceedings, which had already been revoked and whose revocation had been confirmed, by way of an order in the appeal, filed against the said order of revocation. Further, the appeal had been dismissed on 16.01.2012. The petitioner after a lapse of 10 years has approached this Court, by way of the present writ petition.

4. The delay of 10 years is sought to be explained by stating that the petitioner had suffered from a paralytic stroke.

5. The said delay is clearly not explained, by any stretch of imagination, and further, the question of reviving an order which has already been revoked without the said order of revocation or the subsequent appellate order being challenged, cannot arise.

6. For all the aforesaid reasons, the said writ petition is devoid of merits and dismissed accordingly. There shall be no order as to costs.

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

R. RAGHUNANDAN RAO, J.

15.03.2022

RJS

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