

GAHC040003892023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/146/2023

Deru Zongluju
R/o VII Upper Dzang,
PO/PS Nafra,
District West Kameng, Arunachal Pradesh 790001

VERSUS

THE STATE OF AP and Anr.
Through Department of Geology and Mining Represented through its Secretary.
2:The Deputy Commissioner
Age: 0
Occupation

Advocate for the Petitioner : Jyoti Zongluju

Advocate for the Respondent : GA (AP)

BEFORE
HONBLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18.07.2024

Heard Mr. V. Jamoh, learned counsel for the petitioner. Also heard Ms. P. Pangu, learned Government Advocate appearing for the State respondents.

The petitioner, by way of instituting the present proceedings, has

raised a grievance with regard to the refusal on the part of the Deputy Commissioner, West Kameng District, in issuing him forms, which would be required to be submitted by him for collection of mines and minerals from non-notified areas, especially in the West Kameng District.

It is the contention of the petitioner that in pursuance to the directions passed by this Court, vide the order dated 29.07.2008 in the PIL being numbered PIL/49(AP)2015, wherein, the process of issuing of mining licenses was kept in abeyance till the amendment was effected to the **Arunachal Pradesh Minor Mineral Concession Rules, 2002**, the State Government, had promulgated the **Arunachal Pradesh Minor Mineral Concession Rules, 2020**. It is the stand of the petitioner that in spite of the said Rules of 2020, being brought into operation in the State, the Deputy Commissioner, West Kameng District, has not issued to the petitioner herein, the requisite forms, solely relying on the decisions of this Court in the above noted PIL being PIL No. 49(AP)2015.

Poised thus, this Court had on the last date of hearing required Ms. P. Pangu, learned Government Advocate appearing for the Geology and Mining, Department of Arunachal Pradesh, Itanagar, to receive her instructions in the matter.

Ms. Pangu, learned Government Advocate, in terms of the directions as passed by this Court, has placed before this Court a communication dated 17.07.2024, issued by the Director, Geology & Mining, Department of Arunachal Pradesh, Itanagar; wherein, it has been stated that the said Rules of 2020 has been implemented throughout the State w.e.f., 04.09.2020 and further, there is no direction issued by the department not

to issue any fresh license for mining in the State of Arunachal Pradesh.

In view of the above position, the petitioner is directed to approach the Deputy Commissioner, West Kameng District, by way of filing a representation, staking a claim therein for issuance of the requisite forms to him for applying for the mining license in question.

The Deputy Commissioner, West Kameng District, on receipt of such representation shall consider the same, strictly in accordance with the provisions of **Arunachal Pradesh Minor Mineral Concession Rules, 2020**, and also by taking into consideration, the communication dated 17.07.2024, issued by the Director, Geology & Mining, Department of Arunachal Pradesh, Itanagar, as placed before this Court today.

The petitioner shall submit his representation, as directed herein above along with a certified copy of this order within a period of 15(fifteen) days from today and the Deputy Commissioner, West Kameng District, shall thereafter, consider the representation and dispose of the same within a period of 1(one) month from the date of receipt of the said representation along with a certified copy of this order. The decision that would now be arrived at in the matter shall be communicated to the petitioner within the period prescribed for disposal of the representation.

With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant