

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Appeal No. 251 of 2015**

Anagandla Indra Reddy, age about 57 years, S/o Shri Narsimha Reddy,
R/o H.No.2-6-1476, NGO's Colony Road, Near Sumangali Function Hall,
P.S. Hanamkonda, District Warrangal (Telangana) 506 001

---- Appellant**Versus**

1. State of Chhattisgarh Through its Secretary, Mineral Resources
Department Mantralaya, DKS Building, District Raipur (CG)
2. The Collector (Mining Section) District Dantewada (CG)

---- Respondents

For Appellant	:	Shri Yogesh Pandey, Advocate.
For Respondent/State	:	Shri U.N.S. Deo, Government Advocate.

HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.

Order On Board**Per NAVIN SINHA, C.J.****6/5/2015**

1. I.A.No.1/2015 has been filed to condone delay of 49 days.
2. Having heard Counsel for the parties and considering duration, it is allowed.
3. The present appeal arises from order dated 9.1.2015 dismissing Writ Petition (C) No. 14 of 2015. The Learned Single Judge decline to interfere with the order dated 22.9.2014 rejecting the Appellant's application for grant of prospecting licence for granite mineral on the ground that it was premature.
4. Learned Counsel for the Appellant submits that according to the Respondents themselves the last licence granted to another on 5.1.2004 came to be cancelled because excavation was never carried out. There being no other taker, the Appellant should have been considered for grant of licence. Even if the ground mentioned in the impugned order is taken

into consideration, Rule 59 (2) of the Mineral Concession Rules, 1960 contains provision for relaxation in a special case.

5. Learned Counsel for the State opposing the appeal submitted that unless the area is opened up, no application for grant of mining lease can be granted as rightly held by the Learned Single Judge.

6. We find no reason to interfere with the order under appeal which is otherwise reasoned as being premature.

7. If there is a relaxation Clause, it is for the authorities to consider matters. It does not vest a legal right in an applicant and no mandamus can be issued usurping the powers of the authorities with regard to the relaxation Clause.

8. We find no reason to interfere with the order under appeal. The appeal is dismissed.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE