THE HON'BLE SRI JUSTICE A.V. SESHA SAI

WRIT PETITION No.23650 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

> *"to issue Writ of Mandamus to declare the action of the respondents in not issuing the necessary orders for grant of mining lease in favour of the petitioner in respect of the land in Sy.No.92/1, over an extent of 6.070 Hectares for limestone of Yaparla village, Pebbair mandal, Mahabubnagar district, though the mining application was submitted by the petitioner on 20-03-2001 and though the respondents approved the mining plan as back as on 30-11-2007, as illegal, unlawful, contrary to law and consequently direct the respondents to consider the case of the petitioner for issuance of necessary orders granting the above mining lease in favour of the petitioner so as to enable the petitioner to commence his mining operation subject to compliance of the conditions as mentioned in the order of mining approval plan, dated 30-11-2007."*

Heard Sri M. Damodar Reddy, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents.

According to the petitioner, he made an application for grant of a mining lease for Limestone in respect of the land, admeasuring Ac.15-00 guntas situated in Sy.No.92/1 of Yaparla village, Pebbair mandal, Mahabubnagar District on 20-03-2001 to the Assistant Director of Mines and Geology, Mahabubnagar district – 3rd respondent herein. It is further stated that after receipt of the mining application the authorities forwarded the same to the Mandal Revenue Officer, Pebbair for No Objection Certificate and the Mandal Revenue Officer, Pebbair vide proceedings No.H/1666/2001, dated 26-03-2002 furnished N.O.C. in respect of applied area. It is also stated that vide letter, dated 05-11-2002 the Director of Mines and Geology, Hyderabad asked the petitioner herein to pay the enhanced application fee and in response to the same the petitioner herein paid the same on 02-01-2003.

Subsequently, the State Government vide memo No.14455/MI(2)/2005-1, dated 02-12-2005 requested the petitioner herein to submit mining plan approved by the Indian Bureau of Mines through the Director of Mines and Geology. It is also stated that subsequently mining plan was submitted by the petitioner herein and vide proceedings No.AP/KNL/MP/LSt-4/Hyd, dated 30-11-2007 the Regional Controller of Mines, Hyderabad approved the said mining plan. According to the petitioner, subsequently on
03-12-2007 he submitted a representation to the Director of Mines and Geology for taking further action in the matter.

The grievance of the petitioner is that despite the expiry of considerable length of time, no further action has been taken on the application submitted by him for grant of quarry lease.

Learned counsel for the petitioner submits that according to Rule 24 of the Mineral Concession Rules, it is obligatory on the part of the State to consider the mining lease application within a period of six months from the date of application.

In the facts and circumstances, as narrated supra, this Court absolutely finds no justification on the part of the respondent authorities in not taking any final decision on the application of the petitioner herein for grant of mining lease, which is said to have been submitted as long back as on
20-03-2001. Therefore, this Court is of the considered opinion that the ends of justice would be met if a direction is given to the respondents herein to process the application of the petitioner herein and to take appropriate final decision in accordance with law, by fixing some time.

For the aforesaid reasons and having regard to the nature of controversy involved, the writ petition is disposed of, directing the respondents herein to take appropriate action as per law on the application dated 20-03-2001, filed by the petitioner herein, for grant of mining lease in respect of the land in

Sy.No.92/1, admeasuring Ac.15-00 Guntas of Yaparla Village, Pebbair Mandal, Mahabubnagar District, and communicate the orders thereon, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESHA SAI, J

July 30, 2015

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THE HON'BLE SRI JUSTICE A.V. SESHA SAI

WRIT PETITION No.23650 of 2015

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