

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NOs.30386 and 32397 OF 2012

DATED 08th JUNE, 2015

W.P.No.30386 of 2012

Between:

Dinasari Ilaiah

.. Petitioner

and

State of Andhra Pradesh, rep. by
Secretary to Government, Industries &
Commerce (Mines.II) Department
And others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NOs.30386 and 32397 OF 2012

COMMON ORDER

The prayers in these two writ petitions are practically in identical terms and

read as under:

'W.P.No.30386 of 2012:

For the reasons stated in the accompanying affidavit, the petitioner prays that the Hon'ble court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to act upon the applications of the petitioner dated 16.9.2010 for the grant of mining lease for extracting iron ore over an extent of 40.00 hectares in compartment No.945 and 966 in Guduru Forest range, Warangal Sub-Division, Warangal District in accordance with law and pass such other order or orders as this Hon'ble Court deems fit, proper and appropriate in the circumstances of the case.

W.P.No.32397 of 2012:

For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to act upon the applications of the petitioner dated 16.9.2010 for the grant of mining lease for extracting iron ore over an extent of 4.80 hectares each, its total admeasuring 9.60 hectares in compartment No.945 and 949 of Doravaari thimmapur and Appirajupally beat in Guduru Forest range, Warangal South Division, Warangal District in accordance with law and pass such other order or orders as this Hon'ble Court deems fit, proper and appropriate in the circumstances of the case.'

It is however noticed that the Industries and Commerce (Mines.II) Department of the State of Andhra Pradesh issued Memo No.15229/M.II(2)/2011-2 dated 24.08.2012 rejecting the five applications submitted by the petitioner for grant of mining leases in respect of iron ore in various survey numbers of Guduru Beat, Guduru Mandal, Warangal District. This memo has not been subjected to challenge in either of these writ petitions and on the other hand, a bald prayer is made to direct the mining authorities to act upon the applications of the petitioner dated 16.09.2010. As these applications have already been rejected under the memo dated 24.08.2012, which has not even been subjected to challenge, no direction can be issued to the respondents as sought by the petitioner.

Sri Chikkudu Prabhakar, learned counsel for the petitioner, would however submit that the lapse is purely technical and that the same may be permitted to be corrected. However, this Court is not inclined to accept this submission as the matters relate to the year 2012 and no steps were taken to rectify this fundamental

lapse though both the cases underwent adjournments enabling the learned counsel to seek amendment of the prayer at least earlier. This lapse, in the considered opinion of this Court, is fatal and renders the prayers in the writ petitions wholly unworkable.

The writ petitions are therefore dismissed on this short ground. Pending miscellaneous petitions shall also stand dismissed in consequence. No order as to costs.

SANJAY KUMAR, J

08th JUNE, 2015

PGS