

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

Writ Petition No. 20201 of 2015

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ORDER:

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

“to issue an order or direction more particularly one in the nature of *Writ of Mandamus*, declaring 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.100, over an extent of 3.797 Hectares of Ramakrishnapuram Village, Kothakota Mandal, Mahabubnagar District, though the mining application was submitted by the petitioner was on 23-08-2000 and though the respondents approved the mining plan as back as on 31-08-2007, 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 dated 31-08-2007 and pass such other order or orders which are necessary in the interest of justice.”

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

According to the pleadings in the affidavit filed in support of the writ petition, the petitioner herein made an application for grant of mining lease for Quartz and Feldspar Minerals in respect of the land admeasuring Ac.20.01 guntas situated in Sy.No.100 of

Ramakrishnapuram Vilalge, Kothakota Mandal, Mahabubnagar District. The respondents-authorities acknowledged the same vide acknowledgement letter No.1727/M/2000, dated 23-08-2000. It is further pleaded that the authorities forwarded the said application to the Government for consideration, and accordingly, the Zonal Joint Director vide letter No.1898/MP/2007, dated 31-08-2007 granted approval for the mining plan in respect of the said area, subject to certain conditions. Further, on an application made by the petitioner herein under the provisions of the Right to Information Act, 2005, the Director of Mines and Geology, Hyderabad, by letter No.4764/E2/RTIA/2014, dated 01-11-2014 furnished information to the petitioner to the effect that on receipt of the AMP, further proposals were submitted to the Government on 06-10-2007, and that the Government returned the file in C.No.15433/M.I(2)/2007, dated 10-01-2013 to resubmit the proposals in the revised checklist and that the matter is under process. 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 A.P. Minor 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 respondents-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 23-08-2000. 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 23-08-2000, filed by the petitioner herein, for grant of mining lease in respect of the land in Sy.No.100, admeasuring 3.797 Hectares of Ramakrishnapuram Village, Kothakota Mandal, Mahabubnagar District, and communicate the orders thereto, within a period of three months from the date of receipt of a copy of this order.

The miscellaneous petitions, if any, filed in the writ petition shall also stand disposed of.

A.V. SESA SAI, J.

Dt.03-07-2015.

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