

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

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WRIT PETITION No.26041 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 appropriate Writ, 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 Quarry Lease for Colour Granite in Sy.No.174/E,EE,U,UU (PL) of Konayapally Village, Kondapaka Mandal of Medak District over an extent of 1.86 Hectares, though the Tahsildar have already recommended vide letter No.B/669/2015 dated: 17-4-2015 as illegal, arbitrary and contrary to G.O.Ms.No.181, I & C (Mines-I) Dept., dated: 28-5-1998 and consequently direct the respondents to issue necessary orders for grant of Quarry Lease for Colour Granite in Sy.No.174/E,EE,U,UU (PL) of Konayapally Village, Kondapaka Mandal of Medak District over an extent of 1.86 Hectares as recommended by the Tahsildar, Kondapaka forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard Sri T.V.Ramana Rao, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for the respondents.

3. The petitioner herein submitted an application dated 23.02.2015 for grant of Quarry Lease for Colour Granite in respect of the area, admeasuring 1.86 Hectares situated in Survey No.174/E,EE,U,UU(PL) of Konayapally Village, Kondapaka Mandal, Medak District, to the Assistant Director of Mines and Geology, Medak – 3rd respondent herein. The 3rd respondent herein, on the same date forwarded the same to the Tahalsidar, Kondapaka Mandal, Medak District, for inspection and issuance of No Objection Certificate. Subsequently,

the Tahasildar, Kondapaka Mandal, Medak District, by way of letter bearing No.B/669/2015, 17.04.2015, addressed to the Assistant Director of Mines and Geology, Medak, recommended for grant of Quarry Lease for Colour Granite in respect of the applied extent.

4. In the present writ petition, it is the grievance of the petitioner herein that as per the instructions issued by the State Government Vide G.O.Ms.No.181, Industries & Commerce (Mines-I) Department, dated 28.05.1998, even though it is obligatory and incumbent on the part of the Assistant Director of Mines and Geology to process the application within fifteen days from the date of receipt of the report from the Tahasildar and though the Assistant Director of Mines & Geology, Medak, received the said report on 17.04.2015, the Assistant Director, did not forward the same and in view of the same, the petitioner herein is put to lot of hardship and irreparable loss.

5. There is no controversy with regard to the submission of the application of the petitioner herein on 23.02.2015 and issuance of the No Objection Certificate by Tahasildar, Kondapaka Mandal, Medak, on 17.04.2015 and also receipt of the same by the Assistant Director of Mines and Geology, Medak, on the even date. This court finds absolutely no justification on the part of the respondent authorities in not processing the application of the petitioner in the facts and circumstances of the case. In view of these reasons, this court is of the considered opinion that the interest of justice would be met, if a direction is given to the respondent authorities to further process the application for grant of Quarry Lease to the petitioner herein for applied area, in accordance with law, by fixing some time frame.

6. For the aforesaid reasons, writ petition is disposed of, directing the respondents herein to take appropriate action on the Quarry Lease application submitted by the petitioner herein on 23.02.2015 for Colour Granite in respect of area admeasuring 1.86 Hectares situated in Survey No.174/E,EE,U,UU(PL) of Konayapally Village, Kondapaka Mandal, Medak District, within a period of two months from the date of

receipt of this order.

7. Miscellaneous petitions pending consideration, if any, in the Writ
Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

31st August, 2015
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