

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.15641 of 2015

ORDER:

The grievance of the petitioners is with regard to the inaction on the part of the mining authorities in renewing their mining lease. The prayer in the writ petition is directed against the action of the authorities in asking the petitioners to secure a fresh 'No Objection Certificate (NOC)' from the revenue authorities in relation to the land which was the subject-matter of their mining lease being an extent of 2.00 Hectares in Survey No.278 of Siddapur Village, Kothur Mandal, Mahaboobnagar District.

The Assistant Director of Mines and Geology, Mahaboobnagar, filed a counter-affidavit admitting that the

1st petitioner was granted a quarry lease for Stone and Metal over an extent of 4.00 Hectares in Survey No. 278 of Siddapur Village, Kothur Mandal, Mahaboobnagar District, for a period of 10 years in the year, 2004 and a lease deed in this regard was executed on 01.10.2014. He further stated that upon the application of the 1st petitioner an extent of 2.00 Hectares under the quarry lease was transferred in accordance with the due procedure in favour of the 2nd petitioner. The quarry leases in favour of the two petitioners were stated to have expired on 30.09.2014.

As per Rule 13(2) of the Andhra Pradesh Minor Mineral Concession Rules, 1966, the application for renewal of the quarry lease had to be made at least 90 days before the expiry of the lease.

It is the admitted case that the petitioners failed to apply for renewal of their leases within the stipulated time. As they failed to do so, it appears that the mining authorities deemed it appropriate to call for a fresh NOC from the revenue authorities. The Assistant Director of Mines and Geology, Mahaboobnagar, stated that the Tahsildar, Kothur, issued letters dated 26.06.2015 refusing to grant the NOC. According to the learned Assistant Government Pleader, this refusal was based on the objections raised by the Gram Panchayat, Siddapur.

Smt. R.Annapurna, learned counsel for the petitioners, would however

contend that thereafter, the Gram Panchayat, Siddapur, certified that they had no objection to the renewal of the quarry leases in favour of the petitioners, under Resolution dated 02.07.2015.

In the light of the aforesaid facts, this Court is of the opinion that no adjudication is warranted in this case as it is for the authorities concerned to apply their minds and take an appropriate decision in the matter in accordance with law. The Government Orders relevant to the processing of quarry lease applications specify the time frame within which the various authorities concerned are required to deal with the matter at their level. It is not open to the authorities to keep such applications, be it for grant or for renewal of a quarry lease, pending for unnecessarily long periods of time ignoring the mandate of the Government Orders. As it is stated that the Gram Panchayat, Siddapur, has passed a resolution to the effect that it has no objection to the renewal of the petitioners quarry leases, it is open to the petitioners to place the said material before the Deputy Director of Mines and Geology, Mahaboobnagar. The Deputy Director shall thereupon consider the petitioners' applications for renewal of their quarry leases along with the supporting material and take an appropriate decision in the matter. In the event the Deputy Director decides to refuse renewal of the petitioners' quarry leases, he shall pass reasoned orders under communication to them. This exercise shall be completed expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:20.11.2015

