

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

WRIT PETITION No.33312 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 inaction of the 2nd respondent in granting Quarry Lease to the petitioner as per approved Mining Plan as arbitrary, illegal, malice in Law and thus contrary to the Provisions of Minor Mineral Concession Rules 1966 and Article 14, 21 of the Constitution of India and Consequently to direct the 2nd respondent to issue order granting Quarry Lease under Sy.No.1200 (old Sy.No.1069) / extent 2.532 Hectors to the petitioner as per the Law in force as on the date of application and in Approved mining Plan forthwith.”

Heard Sri Krishna Devan, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents, apart from perusing the material available before this Court.

Petitioner herein submitted an application to the Assistant Director of Mines and Geology – 5th respondent herein on 25-07-2013 for grant of quarry lease for colour granite over an extent of 4.000 Hectors in Sy.No.1200 (old Sy.No.1069) of Pulikallu village, Penumur mandal, Chittor District. The Assistant Director of Mines and Geology – 5th respondent herein forwarded the said application to the Zonal Joint Director of Mines and Geology, Kadapa District – 4th respondent herein on 02-03-2015 and the 4th respondent herein forwarded the same to the Director of Mines and Geology – 2nd respondent herein recommending for grant of quarry lease on 01-04-2015. Subsequently, vide notice bearing No.36521/R4-1/2013, dated 20-04-2015 the Director of Mines and Geology requested the petitioner herein to submit approved mining plan along with consent for Establishment from A.P. Pollution Control Board and Clearance from Ministry of Environment and Forests so as to enable him to proceed further in the matter while deciding in-principle to grant quarry lease in favour of the petitioner.

Subsequently, vide letter No.1874/MP-CTR/2015, dated 05-06-2015 the Joint Director of Mines and Geology in the office of Director of Mines and Geology approved the mining plan. Thereafter the petitioner herein also submitted environmental clearance, dated 03-08-2015 issued by the State Level Environment Impact Assessment Authority (SEIAA). Subsequently, vide order, dated 27-08-2015 the Joint Chief Environmental Engineer, Zonal Office, Kurnool issued consent for establishment also. Thereafter the petitioner hereon on 01-09-2015 submitted environmental clearance and the consent for establishment also to the office of the Department of Mines and Geology and requested to grant quarry lease at an early date.

In the above background, it is the grievance of the petitioner herein that despite compliance and completion of the statutory requirements no orders have been passed by the Director of Mines and Geology - 2nd respondent herein on the quarry lease application submitted by the petitioner herein.

It is also submitted by the learned counsel for the petitioner that the 2nd respondent vide proceedings No.15685/R4-1/2004, dated 28-08-2015 granted quarry lease in favour of identically situated person in expeditious manner and the petitioner herein is also entitled for the same treatment.

Taking into consideration the totality of circumstances, having regard to the nature of controversy and in the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be met if the 2nd respondent herein is directed to pass appropriate orders on the quarry lease application, dated 25-07-2013 submitted by the petitioner herein by fixing some timeframe.

For the aforesaid reasons, the writ petition stands disposed of, directing the 2nd respondent herein to pass appropriate orders on the quarry lease

application, dated

25-07-2013 submitted by the petitioner herein for grant of quarry lease in respect of the area admeasuring

2.532 Hectors in Sy.No.1200 (old Sy.No.1069) of Pulikallu village, Penumur mandal, Chittor District, in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

October 12, 2015

Note: Furnish C.C. in

three (3) days. B/o.Pn

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