

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

WRIT PETITION No.31778 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 action of the 1st respondent in not effecting the transfer of the mine in Sy. No. 252 of Machupally Village, Koderu Mandal, Mahabubnagar District from the name of the 4th respondent to the name of the petitioner, though the transfer application had been submitted to the 1st respondent as back as on 05-05-2011 and further though the transferor and transferee have complied with all the formalities for effecting the transfer of the above mine under Rule 10(4) and Rule 23(4) of Mineral Concession Rules, 1960, as illegal, unlawful and contrary to law and consequently direct the 1st respondent to effect the transfer of the above mine from the name of the 4th respondent to the name of the petitioner forthwith.”

Heard Sri M. Damodar Reddy, learned counsel for the petitioner and learned Government Pleaders for Mines and Geology for respondents, apart from perusing the material available before this Court.

According to the deponent of the writ affidavit, he is the Proprietor of M/s.Sri Ganesh Mines and Minerals, Champapet, Ranga Reddy District. The State Government vide G.O.Ms.No.299 Industries and Commerce (Mines-I) Department, dated 16-11-2007 granted mining lease for Quartz and Feldspar in respect an extent of Ac.7-24 in Sy.Nos.242, 248, 252 and 253 of Machupally village, Kodair mandal, Mahaboobnagar District for a period of twenty (20) years in favour of M/s.Sri Anjaneya Minerals – 4th respondent herein. According to the petitioner, the petitioner herein submitted an application to the Principal Secretary to the Government of Andhra Pradesh, Industries and Commerce Department, Hyderabad on 05-05-2011 through the Assistant Director of Mines and Geology, Mahaboobnagar District – 3rd respondent herein requesting transfer of said mining lease for the un-expired portion of period.

During the course of hearing it is submitted by the learned counsel for the petitioner that the petitioner herein would make an application afresh to the 1st respondent – State Government seeking transfer of above said lease in favour of the petitioner herein and necessary directions may be issued to the respondents to pass appropriate orders on the same by fixing some time frame, in accordance with law. This Court considers the said request as reasonable.

For the aforesaid reasons, the writ petition is disposed of, permitting the petitioner herein to submit an application afresh to the respondents herein for transfer of the lease in respect of area admeasuring 3-73 Hectors in Sy.No.252 of Machupally village, Kodair Mandal, Mahaboobnagar District, within a period of one month from the date of receipt of a copy of this order and if any such application is made within the said stipulated period the same be considered and appropriate orders be passed, in accordance with law, within a period of two (2) months thereafter.

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

A.V. SESA SAI, J

September 30, 2015

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