

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

WRIT PETITION No.35350 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 inaction of the 1st respondent in adjudicating upon and in disposing the statutory revision petition, dt.31.01.2013 filed by the petitioner against the order, dt.10.08.2011 in Proceedings No.3603/R4-1/2009 of the 2nd respondent, as amounting to abdication of statutory duty and violative of the provisions of the Mines and Minerals (Development and Regulation) Act, apart from being violative of Articles 14 and 19(1)(g) of the Constitution of India and consequently direct the 1st respondent to hear and dispose of the said revision petition, in accordance with law.”

Heard Sri V. Surya Kiran Kumar, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents, apart from perusing the material available before this Court.

By way of proceedings No.3603/R4-1/2009, dated 08-04-2010 the Director of Mines and Geology, Hyderabad – 2nd respondent herein granted quarry lease for colour granite in favour of the petitioner in respect of an extent of 1.852 Hectars in Sy.No.266 of Havaligi village, Vidapanakal mandal, Anantapur District for a period of twenty (20) years. Thereafter the Director of Mines and Geology by way of proceedings No.3603/R4-1/2009, dated 10-08-2011 cancelled the said quarry lease on the ground of failure on the part of the petitioner herein to enter into lease deed within the stipulated period.

Felt aggrieved by the said order of cancellation the petitioner herein preferred revision before the State Government – 1st respondent herein on 31-01-2013 under Rule 35-A of the A.P. Minor Mineral Concession Rules, 1966 (for short, ‘the Rules’).

The grievance of the petitioner herein in the present writ petition is that despite lapse of considerable length of time no orders have been passed on the said revision filed by the petitioner herein and in view of the same the petitioner herein is sustaining irreparable loss and hardship.

During the course of hearing it is requested by the learned counsel for the petitioner herein that necessary directions may be issued to the 1st respondent herein to pass appropriate orders on the said revision filed by the petitioner herein by fixing some time frame. This Court considers the said request, in the facts and circumstances of the case, as reasonable one. The said request is also not opposed by the other side.

In view of the above reasons, the writ petition is disposed of, directing the 1st respondent – State Government to dispose of the revision petition, dated 31-01-2013 filed by the petitioner herein in respect of the quarry lease for colour granite in Sy.No.266 of Havaligi village, Vidapanakal mandal, Anantapur District within a period of three (3) months from the date of receipt of a copy of this order after giving notice and opportunity of being heard to the petitioner herein.

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

A.V. SETHA SAI, J

October 29, 2015

Pn

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

WRIT PETITION No.35350 of 2015

—

October 29, 2015

Pn