

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.33172 of 2015

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking following relief:

“...to issue a Writ, or direction, more particularly one in the nature of Writ of Mandamus, declaring the failure of the 1st respondent in not rectifying the typographical errors crept in G.O.Ms.No.186 dated 10.04.1985 and in the subsequent consequential G.Os. with regard to Sy.Nos.849 and 850 of Revoor Village, Mellacheruvu Mandal, Nalgonda District and declaring the action of the 2nd respondent in not certifying the mining lease sketch of the petitioner company in accordance with the lease deed dated 11.03.2004 executed by him in favour of Sri Vishnu Cement Ltd., is highly unjust, unwarranted, arbitrary, illegal and violative of Articles 14 and 21 of the Constitution of India and consequentially direct the 1st respondent to rectify the typographical error in not mentioning Sy.Nos.849 and 850 of Revoor Village in G.O.Ms.No.186 dated 10.04.1985 and in the subsequent consequential G.O.Ms.No.347 dated 21.08.2002, G.O.Ms.No.361 dated 19.12.2003 and G.O.Ms.No.68 dated 09.07.2010, by including those two survey numbers in all the said G.Os. and further directing the 2nd respondent to certify the mining lease sketch of the petitioner company which was submitted to him for the approval of scheme of mining of the petitioner company by the Indian Bureau of Mines in accordance with the lease deed dated 11.03.2014 executed by him in favour of Sri Vishnu Cement Ltd., and in accordance with the sketch attached to the said lease deed without insisting on correction of typographical errors in the concerned G.Os; and pass

such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

2. By G.O.Ms.No.141 dated 07.03.1984 the State Government granted mining lease to M/s.Rassi Cement Limited for an extent of Ac.2019.17 guntas in Sy.Nos.18, 46 to 62, 674 to 690, 790 to 796, 815, 816, 849 and 850 of Revoor Village and Sy.Nos.37 to 48, 53 to 129 of Dondapadu Village, Kodad Mandal, Nalgonda District, for a period of twenty years. Subsequently, M/s.Raasi Cement Limited made an application dated 29.08.2014 for transfer of the above said mining lease in favour of M/s.Sri Vishnu Cement Limited, thereupon the State Government agreed for transfer of mining lease and issued orders vide G.O.Ms.No.186 dated 10.04.1985, transferring the mining lease in favour of M/s.Sri Vishnu Cement Limited, except Ac.100.00 gts. out of total extent of Ac.2019.17 gts. It is further stated in the affidavit filed in support of the writ petition that the reason for not transferring Ac.100.00 gts. of mining area being, M/s.Surya Cement filed W.P.No.8434 of 1984 before this Court, claiming mining lease of Ac.100.00 gts. and obtained stay order. It is also stated in the affidavit that but for the said orders in the writ petition, entire mining area of Ac.2019.17 gts. could have been transferred in favour of M/s.Sri Vishnu Cement Limited. It is also mentioned that the said writ petition filed by M/s.Surya Cement Limited was dismissed and the stay order was vacated. The said Ac.100.00 gts. of land

covered by the above writ petition, was not included in G.O.Ms.No.186 dated 10.04.1985, which falls in parts of Sy.Nos.815, 816, 849 and 850 of Revoor Village and the mining lease of M/s.Sri Vishnu Cement Limited covered under G.O.Ms.No.186 dated 10.04.1985, also partly falls in Sy.Nos.815, 849 and 850 of Revoor Village. It is also stated in the writ petition that the entire extent in Sy.Nos.815, 849 and 850 of Revoor Village, which was covered by G.O.Ms.No.141 dated 07.03.1984 was not excluded in G.O.Ms.No.186 dated 10.04.1985 and some parts of the land in the said survey numbers were included in the total extent of Ac.1919.17 gts., in respect of which, the mining lease was transferred to M/s.Sri Vishnu Cement Limited.

3. It is also the case of the petitioner that though the Government transferred the mining lease to M/s.Sri Vishnu Cement Limited under G.O.Ms.No.186 dated 10.04.1985 for a total extent of Ac.1919.17 gts., which falls in Sy.Nos.18, 46 to 62, 674 to 690, 790 to 796, 815, 849 and 850 of Revoor village and in Sy.Nos.37 to 48, 53 to 129 of Dondapadu Village of Mellacheruvu Mandal, Nalgonda District, a typographical mistake crept in the G.O. in not mentioning Sy.Nos.815, 849 and 850 of Revoor Village.

4. It is further stated in the writ affidavit that Sri Vishnu Cement Limited did not notice the said mistake of non inclusion of the above said three survey numbers and the

mining lease standing in the name of Sri M/s.Vishnu Cement Limited was transferred to the petitioner company by virtue of the orders vide G.O.Ms.No.68 dated 09.07.2010 as a subsequent amalgamation of M/s.Sri Vishnu Cement Limited, into the petitioner company. On noticing the mistakes crept in the G.O., the petitioner company submitted a representation dated 07.10.2014 to the State Government-1st respondent herein for rectification of the same in the Government Order. Thereafter, the State Government vide Memo No.8720/M.II(1)/2014-1, dated 16.10.2014 asked the Director of Mines and Geology, Hyderabad, to examine the request of the petitioner company and furnish necessary proposals to the Government for taking necessary action in the matter. Subsequently, by Memo No.5781/R2-2/2014 dated 03.11.2014, the Director of Mines and Geology requested the Assistant Director of Mines and Geology to examine the representation and furnish a detailed report to take further necessary action in the matter. In response to the same, the Assistant Director of Mines and Geology, Miryalguda, vide Letter No.6517/M2/2002, dated 01.12.2014, sent a detailed report, wherein it is observed as under:

“It is observed that Sy.No.849 (part) and 850 (part) are existing in the original G.O.No.141, Dt:07.03.1984 and missing by the typo graphical error/omission in subsequent GO copies and hence representation given by M/s.Zuari Cements Limited to include these two survey numbers in the mining lease

G.O. is genuine and be considered.”

Thereafter, the issue reached before the State Government and the information obtained by the petitioner herein, clearly discloses that on 18.02.2015 the file was submitted to the State Government with a request to consider the amendments to the earlier government orders. The portion of the note put up to the extent of its relevancy reads as under:

“In view of the circumstances stated above, the file may be submitted to the Govt. with a request to consider amendment to G.O.Ms.No.186, Dt:10.04.1985; G.O.Ms.No.347, Dt:21.08.2002; G.O.Ms.No.361, Dt:19.12.2003 and G.O.Ms.No.68, Dt:09.07.2003 duly inserting Sy.Nos.849 & Sy.No.850 (Ext:Ac.34.27 gts. and Ext:Ac.232.22 gts already part & parcel of the total extent of Ac.1903.10 gts of mining lease) of Revuru Vg along with Sy.Nos.18, 46 to 62, 674 to 690, 790 to 796, 815 of Revooru village so that asserting the **Mining Lease for Limestone over an extent of Ac.1903.10 gts. in precise Sy.Nos.18, 46 to 62, 674 to 690, 790 to 796, 815, 849 & 850 of Revooru, Ramapuram Vg, and in Sy.Nos.37 to 48, 53 to 129 of Dondapadu Vg of Mellacheru M, Nalgonda District held by M/s.Zuari Cements Ltd..”**

5. While referring to the above said correspondence and the note put up, it is requested by the learned counsel for the petitioner herein to direct the 1st respondent-State Government to take appropriate action on the request of the petitioner for rectification of the mistakes in the government order by fixing some more time frame. It is also submitted by the learned Government Pleader that

the writ petition may be disposed of by directing the State Government-1st respondent to take appropriate action pursuant to the above developments.

6. In view of the above, the writ petition is disposed of, directing the State Government-1st respondent to take appropriate action and to pass orders on the request made by the petitioner herein in his representation dated 07.10.2014 within a period of two weeks from the date of receipt of a copy of this order.

7. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

A.V. SESA SAI, J

12th October 2015

Note:

Issue C.C. forthwith.

(B/o)

mar/da