

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

WRIT PETITION No.21455 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 declaring the action of respondent No.4 in not processing the application of the petitioner for grant of quarry lease in over an extent of Ac.4-00 in Sy.No.1009 situated at Kanigiri village and mandal, Prakasam district to the 3rd respondent as directed by the 2nd respondent in memo No.11198/R2-2, dated 10-09-2014 and not granting quarry lease on the application dated 29-03-2011 as arbitrary, illegal, unjust, unconstitutional and in violation of Mines and Minerals (Development and Regulation) Act, 1957 and A.P. Minor Mineral Concession Rules, 1966 and consequently call for records in the proceedings and direct respondent No.3 to grant quarry lease on the application of the petitioner, dated 29-03-2011.”

Heard Smt N. Shobha, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents, apart from perusing the material available before this Court.

According to the petitioner herein, he submitted an application, dated 29-03-2011 for grant of quarry lease for excavation of road metal in respect of land in Sy.No.1009 of Kanigiri village and mandal, Prakasam district to the Assistant Director of Mines and Geology, Markapur – 4th respondent herein. The said application was forwarded to the revenue authorities for No Objection Certificate on the same day. Subsequently, the matter was placed before the District Level Screening Committee,

Prakasam district as per the procedure laid down under G.O.Ms.No.2, dated 02-01-2013. Subsequently, the District Level Screening Committee passed resolution recommending for issuance of No Objection Certificate over an extent of Ac.2-49 gruntas in Sy.No.1009 of Kanigiri village and mandal, Prakasam district.

In pursuance of the said resolution the Collector and District Magistrate, Prakasam District, Ongole sent the said resolution to the office of the Director of Mines and Geology, Hyderabad – 2nd respondent herein for taking further action in the matter.

Subsequently, by virtue of memo No.11198/R2-2/2014, dated 10-09-2014 the Director of Mines and Geology – 2nd respondent herein while sending the connected papers and while informing with regard to the No Objection Certificate asked the Assistant Director of Mines and Geology to take appropriate action in the matter.

The grievance precisely in the present writ petition is, despite the said memo, dated 10-09-2014 of the Director of Mines and Geology, and despite lapse of considerable length of time, the Assistant Director of Mines and Geology has not processed the application of the petitioner to the Deputy Director of Mines and Geology – 3rd respondent herein and no orders have been passed on the application of the petitioner herein.

The information available before this Court manifestly discloses that the petitioner herein submitted his application for

grant of quarry lease as long back as in the year 2011 and followed by a resolution passed by the District Level Screening Committee, the District Collector also sent the proposals to the office of the Director of Mines and Geology on 27-08-2014 and the Director also pursuant to the same asked the Assistant Director of Mines and Geology – 4th respondent herein to take necessary action in the matter. Despite the same, no further action has been taken by the respondents 3 and 4 herein on the application filed by the petitioner, in accordance with law. This Court finds absolutely no justification on the part of the respondent authorities in keeping the application of the petitioner herein till date. In view of this reason, this Court deems it appropriate to direct the respondent authorities to process the application of the petitioner herein for grant of mining lease, in accordance with law, by fixing some time.

For the aforesaid reasons and having regard to the nature of controversy, the writ petition is disposed of, directing respondent Nos.3 and 4 herein to take appropriate action on the quarry lease application, dated 29-03-2011 submitted by the petitioner herein and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SETHA SAI, J

July 13, 2015

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

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