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HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.25166 of 2008

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the proceedings of the Director of Mines and Geology/first respondent herein, issued vide Memo No.37467/R7-1/2008 dated 06.11.2008. By virtue of the said Memo, the Director of Mines and Geology made a request to the Deputy Director of Mines and Geology, Hyderabad to take necessary action under Rule 12 (2 & 3) of the A.P. Minor Mineral Concession Rules, 1966 and to grant quarry lease in respect of the subject area situated in Sy.No.345 of Girmapur village, Medchal Mandal, Ranga Reddy District in favour of M/s.Andhra Pradesh Mineral Development Corporation Limited.

2. This Court, while issuing *Rule Nisi* on 17.11.2008, suspended the operation of the impugned memo and directed the Deputy Director of Mines and Geology to process the application of the petitioner without any reference to the impugned order strictly in accordance with the prescribed procedure.

3. When the matter is called today, it is submitted by the learned Government Pleader that by virtue of an order vide Proceedings No.4578/A/2008 dated 17.01.2015, the Deputy Director of Mines and Geology, Hyderabad, rejected the quarry lease application of the petitioner herein under Rule 13 (1) of A.P. Minor Mineral Concession Rules, 1966. A copy of the said order passed by the Deputy Director of Mines and Geology, Hyderabad is placed on record. In the said order, it is stated that the Assistant Director of Mines and Geology made a request to reject the application of the petitioner and another on the following grounds:

1. The Tahsildar, Medchal Mandal has not issued NOC even after repeated request for issue of NOC by the ADM&G, Hyderabad. Hence, it is construed that the Revenue

Department is not inclined to issue NoC for grant of quarry lease in Sy.No.345 of Girmapur Vg., Medhcal Mdl., RR Dist.,

2. The Government vide G.O.ms.No.129, Ind., & Comm., (M.II) Dept., dt.23.05.2008 informed that the Municipal Administration & Urban Development Authority has not agreed for creation of Mining Zones in Girmapur, Bandamadaram and Ravalkole Villages of Medchal Mandal. Hence, it is construed that the MA&UD Department objecting quarrying/mining operations in these Villages on whole.
 3. As per the minutes of the meeting held on 13.07.2011 by Air Force Academy, Dundigal, DGMS, DMG and quarry lease holders, all the existing quarries fall in the villages of Girmapur, Railapur and kBandamadram of Medchal Mandal shall be relocated kby the end of August-2016 to safeguard the interest of Air Force Academy. Dundigal and Flights Safety. Hence, the question of granting of fresh quarry leases in Sy.No.345 of Girmapur Vg., medchal Mdl., R.R. District does not arise as the existing quarries in the Girmapur Village are going to relocate by August-2016 in interest of Air Force Academy, Dundigal.
 4. It is also stated in the said order that a show cause notice was issued to the petitioner herein on 30.12.2014, asking the petitioner to show-cause as to why the quarry lease application should not be rejected as recommended by the Assistant Director of Mines and Geology, Hyderabad. The said order further discloses that after inviting explanation from the petitioner and another, the Deputy Director of Mines and Geology passed the said order rejecting the applications of the petitioners herein for grant of quarry lease.
 5. In view of the above development, the cause in the writ petition does not survive and the writ petition is accordingly dismissed. However, with a liberty to the petitioner herein to question the said order passed by the Deputy Director of Mines and Geology dated 17.01.2015, if he is advised to do so, in accordance with law. Consequently, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.
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A.V.SESHA SAI, J

Date:20.03.2015
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HON'BLE SRI JUSTICE A.V.SESHA SAI

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Between:

M.Koteswara Rao S/o Satyanarayana,
Aged 63 years, R/o Plot No.5, All India
Radio Colony, L.B.Nagar, Hyderabad. ... Petitioner

and

The Director of Mines and Geology,
Government of Andhra Pradesh,
Hyderabad and two others. ... Respondents

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