

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .NO:499 of 2015

AND

W.P.M.P.No.597 of 2015

Between:

Jatoth Mark Raju S/o Hemu, R/o H.No.1-40, Y.S.R. Nagar, Bayyaram Mandal,
Khammam District.

..... Petitioner

AND

- 1 The State of Telangana, rep. By its Principal Secretary, Industries and Commerce Department, Secretariat, Hyderabad.
- 2 The Director of Mines and Geology, State of Telangana, Hyderabad.
- 3 The Assistant Director of Mines & Geology, Kothagudem, Khammam District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, declaring the action of the 1st respondent contained in G.O.Ms.No.5, Industries and Commerce (M.II) Department, dated 08.01.2015 determining the mining lease of the petitioner concerning 8 hectares is arbitrary, illegal and without jurisdiction, and consequently, set aside the same and direct the respondents to permit the petitioner to exploit the same by issuing transport permits during the subsisting of the lease period as per G.O.Ms.No.102 Industries and Commerce Department, dt.29-03-2005, transfer G.O.Ms.No.21 Industries and Commerce Department, dt.29-01-2009 and the Transfer Work Order, dt.02-03-2009 up to the year 2025;

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W.P.M.P.No.597 OF 2015

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Petition under Section 151 of C.P.C. Praying that in the circumstances stated in the affidavit filed in W.P. the High Court may be pleased suspend the operation and effect of the G.O.Ms.No.5, Industries and Commerce (M.II) department, dated 08.01.2015, determining the mining lease area covered by the Mining Lease contained in G.O.Ms.No.102, Industries and Commerce Department, dt.29-03-2005, transfer G.O.Ms.No.21, Industries and Commerce Department, dt.29-01-2009 and the Transfer Mining Lease work order, dt.02-03- 2009, pending disposal of the Writ Petition No.499 of 2015 on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI N.M.KRISHNAIAH, Advocate for the Petitioner and of learned Additional Advocate General (T.S.), for

Respondents, and the Court made the following:

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ORDER:

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Rule nisi. Call for records.

Notice returnable in four weeks.

Learned Additional Advocate General takes notice for respondents and seeks two weeks time to file counter.

Since the question involved in this writ petition relates to power of determination of the lease by the State in terms of Rule 27(v) is required to be adjudicated and the said question being purely a legal question, it is appropriate to hear and decide this matter at the earliest.

List on 09.02.2015.

In the meanwhile, if any, perceptative action is taken with regard to the leased area by the State such as allotment of the said leased area to any other party, petitioner is at liberty to move appropriate application.

SD/-R.V.LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Principal Secretary, Industries and Commerce Department, State of Telangana, Secretariat, Hyderabad.
- 2 The Director of Mines and Geology, State of Telangana, Hyderabad.
- 3 The Assistant Director of Mines & Geology, Kothagudem, Khammam District. (1 to 3 BY RPAD)
- 4 One CC to SRI N.M.KRISHNAIAH, Advocate (OPUC).
- 5 Two CCs to ADDITIONAL ADVOCATE GENERAL (T.S.), HIGH COURT, HIGH COURT BUILDINGS, HYDERABAD. (OUT).
- 6 One spare copy.

SRL

HIGH COURT

VVAJ

DATED: 20.01.2015

NOTE: LIST ON 09.02.2015

ORDER

W.P.NO. 499 OF 2015

AND

W.P.M.P.No.597 OF 2015

DIRECTION

HIGH COURT

Drafted by: SRL

Date of Drafting : 21.01.2015

VVAJ

DATED: 20.01.2015

NOTE: LIST ON 09.02.2015

ORDER

W.P.NO. 499 OF 2015

AND

W.P.M.P.No.597 OF 2015

DIRECTION