

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

Writ Petition No. 22785 of 2015

Between:

M/s Sri Ganesh Mines & Minerals, rep. By its Proprietor,
B. Janga Reddy, Hyderabad

...Petitioner

and

The State of Telangana, rep. By its Principal Secretary,
Mines & Geology Department, Secretariat, Hyderabad
and others

...Respondents

Dated 23-07-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals ?
Yes/No

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

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

Writ Petition No.22785 of 2015

ORDER:

-

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

“to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not issuing the necessary orders for grant of mining lease in favour of the petitioner in respect of the land in Sy.No.171, over an extent of Ac.33-00, Ac.30-00 and Ac.27-08 at Gundmal Village, Kosgi Mandal, Mahabubnagar District, though the three mining lease applications were submitted by the petitioner on 02-02-2011 and 23-07-2011 and though the Tahsildar have already recommended vide letter No.B/4397/2011, dated 25-11-2011 and further though the petitioner have already complied with all the formalities for grant of such mining lease in favour of the petitioner, as illegal, unlawful, contrary to law and consequently direct the respondents to consider the case of the petitioner for issuance of necessary orders granting the above mining lease in favour of the petitioner so as to enable the petitioner to commence the mining operation subject to compliance of the conditions required for grant of such mining lease and pass such other order or orders which are necessary in the interest of justice.”

Heard Sri M. Damodar Reddy, learned counsel for the petitioner and learned Government Pleader for Mines and Geology.

According to the petitioner, it made applications on 02-02-2011 and 23-07-2011 to the Assistant Director of Mines and

Geology, the 3rd respondent herein, for grant of mining lease for Feldspar and Quartz in respect of the lands situated in Sy.No.171, of Gundmal Village, Kosgi Mandal, Mahabubnagar District. It is pleaded that the office of the 3rd respondent has acknowledged the said applications, vide letter No.420/ML/2011, dated 02-02-2011. The petitioner also enclosed all the necessary documents along with the applications. It is also stated that the matter was subsequently referred to the revenue authorities, and the Tahsildar, Kodair Mandal, vide letter Nos.A/420, 421 & 2864/ML/2011, dated 02-02-2011 and 23-07-2011, respectively, issued no objection, for grant of lease for Feldspar and Quarts, as per the area shown in the sketch, to an extent of Ac.87.08 guntas, situated in Sy.No.171 of Gundmal Village, Kosgi Mandal, Mahabubnagar District. The main grievance of the petitioner in this writ petition is that despite the expiry of considerable length of time, no further action has been taken by the respondents on the applications submitted by him, for grant of mining lease.

Learned counsel for the petitioner submits that according to Rule 24 of the Mineral Concession Rules, it is obligatory on the part of the State to consider the mining lease application within a period of six months from the date of application.

In the facts and circumstances, as narrated supra, this Court absolutely finds no justification on the part of the respondents-authorities in not taking any final decision on the applications of the petitioner herein for grant of mining lease, which are said to have been submitted as long back as on 02-02-2011 and 23-07-2011. Therefore,

this Court is of the considered opinion that the ends of justice would be met if a direction is given to the respondents herein to process the applications of the petitioner herein and to take appropriate final decision in accordance with law, by fixing some time.

For the aforesaid reasons and having regard to the nature of controversy involved, the writ petition is disposed of, directing the respondents herein to take appropriate action as per law on the applications dated 02-02-2011 and 23-07-2011, filed by the petitioner herein, for grant of mining lease in respect of the land in Sy.No.171 of Gundmal Village, Kosgi Mandal, Mahabubnagar District, and communicate the orders thereon, within a period of three months from the date of receipt of a copy of this order.

The miscellaneous petitions, if any, filed in the writ petition shall also stand disposed of.

A.V. SESA SAI, J.

Dt.23-07-2015.

KO