

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

WRIT PETITION No.21453 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 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.Nos.251 to 253, 267 and 268, admeasuring Ac.15-00 at Machupally village, Koderu mandal, Mahabubnagar District, though the mining application was submitted by the petitioner on 27-12-2010 and though the Thasildar have already recommended vide letter No.A/305/2011, dated 28-03-2011 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 his mining operation subject to compliance of the conditions required for grant of such mining lease.”

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

According to the petitioner, it made an application for grant of a mining lease for Fledspar and Quartz mineral in respect of the land, admeasuring Ac.15-00 guntas situated in Sy.Nos.251 to 253, 267 and 268 of Machupally village, Koderu mandal, Mahabubnagar District on 27-12-2010 to the Assistant Director of Mines and Geology, Mahabubnagar district – 3rd respondent herein. It is also pleaded that the office of the 3rd

respondent also acknowledged the said application vide letter No.5403/ML/2010, dated 27-12-2010 and the petitioner herein also enclosed all the necessary documents. It is also stated that the matter was subsequently referred to the revenue authorities and the Tahsildar, Koderu mandal, Mahabubnagar District vide proceedings No.A/ 305/2011, dated 28-03-2011 issued no objection also for grant of lease for Fledspar and Quartz as per the area shown in the sketch to an extent of 2-00 Hectors in Sy.Nos.267/B, 267/A2, 251/2B and 268 of Machupally village, Koderu mandal, Mahabubnagar District. The grievance of the petitioner is that despite the expiry of considerable length of time, no further action has been taken on the application submitted by him for grant of quarry 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 respondent authorities in not taking any final decision on the application of the petitioner herein for grant of mining lease, which is said to have been submitted as long back as on 27-12-2010. 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 application 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 application dated 27-12-2010, filed by the petitioner herein, for grant of mining lease in respect of the land in Sy.Nos.267, 268 and 251, admeasuring 2.00 Hectares of Machupally Village, Koderu 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. 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. SETHA SAI

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