

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.38440 of 2014

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Mines and Geology for respondents 2 and 5 and the learned Government Pleader for Forests for respondents 3 and 4.

2. The petitioner claims to be a lessee of mica, quartz, feldspar and vermiculite in an extent of Acs.163-53 cents in survey Nos.532, 533, 534 and 856, situated at Mulkalapundla Village, Rapur Taluq, Nellore District, for a period of 20 years with effect from 01.03.1976. The said lease was renewed in respect of 18.90 hectares vide G.O.Ms.No.68, Environment, Forest, Science & Technology (For.i), Department, dated 02.06.1998 for a period of 10 years from 02.06.1998 to 01.06.2008. Under the deeming provision contained in Rule 24-A of the Mineral Concession Rules, 1960, the petitioner claims continuance of the lease, but the mining operations were stopped with effect from 01.06.2008 and no orders of renewal have been passed.

3. It is the case of the petitioner that during the subsistence of the mining lease, the petitioner mined and stocked 932.210 MT of mica scrap and 545.10 MT of feldspar in the mine. When the respondents did not act on the request made by the petitioner for issuance of transit permit, the present writ petition is filed.

4. When the writ petition was taken up for consideration, the learned counsel for the petitioner submitted that in identical circumstances, this Court passed an order in W.P.No.4310 of 2013 dated 05.07.2013 directing the Divisional Forest Officer, SPSR Nellore Division, the third respondent herein, to verify and determine as to whether the mineral sought to be transported by the petitioner was mined during the subsistence of its mining lease and before its stoppage of operations.

5. The learned Government Pleader for Forests fairly conceded that a similar order can be passed in the instant case also.

6. In view of the same, this writ petition is also disposed of directing the third respondent to verify and determine as to whether the mineral sought to be transported by the petitioner was mined during the subsistence of its mining lease and before its stoppage of operations i.e., from 01.06.2008. The petitioner shall place all relevant material before the third respondent, who shall give an opportunity of hearing to the petitioner and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, for issuance of transit permit to enable the petitioner to transport the mineral already mined by it during the subsistence of lease. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 23.09.2015

TJMR