

HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.28769 of 2015

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ORDER :

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

“...to issue writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of Respondent No.3 in refusing to issue dispatch permits for transporting the existing quarried mineral quartz and feldspar in over an extent of 5.46 hectares in Sy.No.55, Mangampet, Jinnaram Mandal, Medak district, the mine in pursuant to the mining lease granted vide G.O.Ms.No.143, Industries & Commerce (M.III) Department, dated 15.02.2000 granted by 1st Respondent and the action of 4th Respondent in not passing orders on the application submitted by Petitioner for grant of Environmental Clearance as arbitrary, illegal, unjust and unconstitutional and in violation of Mines and Minerals (Development & Regulation) Act 1957 and Article 14 of the Constitution of India and pass such other order or orders as the Hon'ble Court deems fit and proper in the interest of justice.”

2. When the matter is called, the learned Government Pleader appearing for the respondents has placed on record the memo bearing No.1243/P/2014 dated 15.09.2015 issued by the Director of Mines and Geology and it reads as under:

“The attention of all the Deputy Directors of Mines and Geology and Asst. Directors of Mines & Geology in the State is drawn to the subject and reference 2nd cited wherein the minutes of the review meeting was communicated for taking necessary action.

In this connection, in partial modification to the instructions, it is proposed to consider grant of leases for minor minerals as per the prevailing rules, as there is no provision for obtaining approved

mining plan from the applicants or lease holders before renewal of lease, which is a pre-requisite for obtaining Environment Clearance.

In view of the above, the Asst. Directors of Mines & Geology shall process the quarry lease applications and the Deputy Directors of Mines & Geology shall grant the leases after obtaining an undertaking in the form of a notarized affidavit from the applicants/lease holders (in case of renewal) to produce acknowledgment of having applied for Environment Clearance and Consent for Establishment/Consent for Operation before commencement of quarry operations in order to comply the orders of National Green Tribunal dated 13.01.2015 till comprehensive Minor Mineral Rules are framed and notified by the State Govt.

Further, the Assistant Directors of Mines & Geology are directed to have a monthly review with the Line Depts. For early issuance of EC/CFE/CFO and to report compliance in the matter.”

3. On noticing the said contentions of the memo, it is submitted by the learned counsel for the petitioner that the respondent authorities may be directed to take appropriation action as per the memo.

4. In view of the above submission, the writ petition is disposed of directing the respondent authorities to take action as per the Memo No.1243/P/2014 dated 15.09.2015 issued by the 2nd respondent-Director of Mines and Geology, within a period of fifteen days from the date of receipt of a copy of this order.

5. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

A.V. SESA SAI, J

12th October 2015

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