

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

WRIT PETITION No.26368 of 2015

ORDER:

This writ petition filed under Article 226 of the Constitution of India challenges the action of the respondents herein in not considering the representation, dated 16-09-2014 said to have been submitted by the petitioner herein for grant of despatch permits in respect of mine held by the petitioner herein at Amadabakula village, Kothakota mandal, Mahabubnagar District.

Heard Sri M. Damodar Reddy, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents, apart from perusing the material available before this Court.

The State Government vide G.O.Ms.No.51 Industries and Commerce (MI) Department, dated 02-02-2002 granted mining lease in favour of the petitioner herein for Quartz and Felspar in respect of the area of 32-12 acres in Sy.No.20 of Amadabakula village, Kothakota mandal, Mahabubnagar district for a period of 20 years, commencing from 27-03-2002 to 26-03-2022.

It is the case of the petitioner herein that the said lease is still subsisting. The Assistant Director of Mines and Geology, Mahabubnagar District – 3rd respondent herein vide notice No.2720/General/2006, dated 11-02-2014 while requesting the petitioner to pay the Advance Dead Rent for the year 2014-15 in respect of the said mining lease requested the petitioner herein to

file the accounts along with certain records mentioned therein.

According to the petitioner, responding to the said notice, petitioner herein on 16-09-2014 submitted the said information and the documents as directed by the Assistant Director of Mines and Geology, Mahabubnagar.

In the above background, the grievance of the petitioner herein is, despite the due compliance of the directions of the Assistant Director of Mines and Geology, the respondent authorities are not issuing despatch permits in favour of the petitioner for the purpose of operating the mine.

A letter, dated 06-06-2014 addressed to the Assistant Director of Mines and Geology, Mahabubnagar by the petitioner is enclosed with the present writ petition as material paper. The complaint of the petitioner is that despite the said letter the respondent authorities are not issuing the despatch permits in favour of the petitioner herein during the currency of lease granted earlier in his favour.

On the contrary, it is pointed out by the learned Government Pleader, appearing for Mines and Geology that in the said application, dated 06-06-2014 said to have been submitted by the petitioner herein, the petitioner herein sought for issuing Royalty and the said request cannot be said to be appropriate.

In these circumstances, this Court is of the considered opinion that the ends of justice would be met if it is kept open for the petitioner herein to make representation before the respondent authorities for grant of despatch permits leaving it open for the

respondent authorities to take action on the same.

For the aforesaid reasons, the writ petition is disposed of, permitting the petitioner herein to submit necessary application for grant of despatch permits within a period of one week from the date of receipt of a copy of this order. If any such application is made the respondent authorities shall consider the same, in accordance with law, within a period of four (4) weeks thereafter.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SETHA SAI, J

August 20, 2015

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