

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

WRIT PETITION No.5901 OF 2012

Between:

Angothu Jagan .. Petitioner

and

The Government of India, rep. by its

Secretary, Ministry of Mines,

Shastri Bhavan, New Delhi,

And others. .. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 13th OCTOBER, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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 Lordship wish to see the fair copy of the judgment? Yes/No

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.5901 OF 2012

ORDER

This writ petition was filed assailing the proceedings dated 19.12.2011 of the Indian Bureau of Mines, Nagpur, Maharashtra, refusing to consider the petitioner's renewal application and the consequential action of the State in not passing orders in this regard.

The petitioner was granted a mining lease for graphite over an extent of 0.500 hectares in Compartment No.176 of Vali Sugreeva Reserve Forest, Bhadrachalam (South) Division in Chintakonda area of Jeediguppa Village, V.R.Puram Mandal, Khammam District, under G.O.Ms.No.97, Environment, Forest, Science and Technology (For.I) Department, dated 01.06.2010. This lease was valid for a period of ten years with effect from 25.11.2004. Thereafter, the mining lease over an extent of 30.000 hectares in Chintakonda area of Jeediguppa Village, V.R.Puram Mandal,

Khammam District, which was granted to Gopal Krishna Raja Mining Works, which was renewed for 20 years under G.O.Ms.No.416, Industries and Commerce Department, dated 21.07.1986, was transferred to the petitioner under G.O.Ms.No.205, Industries and Commerce Department, dated 11.09.2004 for the unexpired portion of the lease period i.e., up to 29.12.2004. The transfer deed was executed in this regard on 17.09.2004 and a work order was also issued by the Assistant Director of Mines and Geology till 29.12.2004.

While matters stood thus, as there was a delay in the transfer of the mining lease, the petitioner sought renewal of the mining lease. The Director of Mines and Geology, Andhra Pradesh, having processed the said application proposed to grant second renewal of the mining lease subject to permission from the Controller General of the Indian Bureau of Mines, Nagpur, for grant of such renewal under Rule 24-A(3) of the Mineral Concession Rules, 1960 (for brevity, 'the Rules of 1960'). However, the Regional Controller of Mines, acting on behalf of the office of the Chief Controller of Mines, opined that such renewal may not be considered on the ground that Rule 22-D of the Rules of 1960 will apply to an existing mining lease also. This was the cause for filing of the writ petition.

Sri Raghavender, learned counsel representing the learned Assistant Solicitor General for India, fairly conceded that this understanding of the authority of Rule 22-D of the Rules of 1960 is incorrect, as the Proviso to the said Rule clearly indicates that the restriction of minimum area for grant of a mining lease shall not be applicable in the case of renewal of a mining lease.

In that view of the matter, the impugned proceedings dated 19.12.2011 of the Controller of Mines, Indian Bureau of Mines, Ministry of Mines, Government of India, clearly demonstrate non-application of mind and it appears that the request of the State to accord sanction for the second renewal of the mining lease was turned down routinely without properly considering the matter.

The writ petition is accordingly allowed setting aside the impugned proceedings dated 19.12.2011. The Controller of Mines, Indian Bureau of Mines, Government of India, shall again consider the request of the State Government in the context of the second renewal of the mining lease granted to the petitioner in accordance with law and pass appropriate orders in the matter within four weeks from the date of receipt of a copy of this order. The State shall thereupon take

necessary further action in the matter expeditiously. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

13th OCTOBER, 2015

PGS