

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

MONDAY THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 27368 OF 2015

-

Between:

Marri Radhamma ... Petitioner

Vs.

The State of Andhra Pradesh

Represented by its Secretary,

Director of Industries & Commerce [Mines]

Department,

Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri R. Srikanth

Counsel for the Respondents: GP for Mines & Geology [AP]

GP for Assignment [AP]

GP for Revenue [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 27368 OF 2015

-

ORDER:

-

-

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

[a] "To declare the inaction on the part of the respondents in not considering the application dated 18/12/2009 of the writ petitioner for granting mining lease for carrying out mining operations, in land in survey No. 183, admeasuring Ac:49.80 guntas situated at Panchali village, Pachipenta Mandal, Vizianagaram district, as illegal, arbitrary and violative of Article 14 and 19 of the Constitution of India."

[b] "To direct the respondents to consider the application dated 18/12/2009 of the writ petitioner for granting mining lease for carrying out mining operations in land in survey No.183, admeasuring Ac:49.80 guntas situated at Panchali village, Pachipenta Mandal, Vizianagaram district as per GO.Ms.No.2, dated 02/01/2013 Revenue [Assignments-I] Department, Andhra Pradesh and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.."

2 . Heard Sri Rayaprolu Srikanth, learned counsel for the petitioner, learned Government Pleader for Mines and Geology [AP], learned Government for Assignment [AP] and learned Government Pleader for Revenue [AP].

3 . According to the petitioner he submitted an application to the first respondent on 18/12/2009 through second respondent for grant of mining lease in respect of area admeasuring Ac:49-80 cents situated in survey No. 183, of Panchali village, Pachipenta Mandal, Vizianagaram district. It is also stated that the second respondent addressed a letter on 18/12/2009 to the fifth respondent- Tahsildar Pachipenta Mandal, Vizianagaram district requesting the information as to classification and availability of the said land and also to obtain Gram Panchayat Resolution from the concerned Gram Panchayat. It is also stated that the Gram Panchayat, Panchali passed a Resolution stating that Panchayath has no objection for granting mining lease in favour of the petitioner herein and the same was intimated by way of letter dated 23/11/2010. It is also averred in the writ affidavit that the Tahsildar, Pachipenta conducted inspection of the said land and prepared inspection report on 18/2/2011 and subsequently the Tahsildar, Pachipenta addressed a letter on 31/3/2011 to the second respondent-Assistant Director of Mines and Geology vide Rc.No.50/11

expressing no objection for leasing out applied area for mining operations. It is further stated in the affidavit filed in support of the writ petition that the Revenue Divisional Officer, Parvathipuram-sixth respondent herein but a letter No. 738/2011/C/ dated 28/5/2011 addressed a letter to the seventh respondent-District Collector recommending to grant for mining lease. It is stated that the seventh respondent-District Collector addressed a letter to the sixth respondent-Revenue Divisional Officer stating that the petitioner's application for grant of mining lease needs to be considered as per G.O.Ms.No.2, Revenue [Assignments-I] Department, dated 02/1/2013 and requested the sixth respondent to take necessary action. The grievance precisely in the present writ petition is that despite lapse of considerable length of time, no orders have been passed on the mining lease application of the petitioner herein. The material available before this court manifestly discloses that the petitioner submitted application as long back as on 18/12/2009 but no final orders are passed on the said application till date. The authorities are required to pass appropriate orders as per law within a reasonable time.

4. In the facts and circumstances, this court is of the considered opinion that the ends of justice would be met if a direction is issued to the respondents herein to pass final orders on the application dated 18/12/2009 for grant of mining lease by fixing some time frame.

5. For the aforesaid reasons, the writ petition is disposed of, directing the respondent authorities to take appropriate action on the mining lease application dated 18/12/2009 submitted by the petitioner herein for grant of

mining lease in respect of the area admeasuring Acs:49-80 guntas situated in survey No.183 of Panchali village, Pachipenta Mandal, Vizianagaram district and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order after complying with the requisite formalities.

6. With the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

05/10/2015

ISL

HONOURABLE SRI JUSTICE A.V. SETHA SAI

—

—

—

—

—

—

—

—

—

-

-

-

-

-

WRIT PETITION NO. 27368 OF 2015

-

-

-

-

-

-

-

-

-

-

-

-

-

Circulation No.92

Court Master: I s L