

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 483 of 2016

Yogesh Pritwani S/o Shri Gopal Das Pritwani Aged About 35 Years R/o E- 5,
Sector- 2, Devendra Nagar Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Geology And Mining, Mahanadi Bhavan, New Raipur, Distt. Raipur (Chhattisgarh)
2. Director, Directorate Of Geology And Mining, Indravati Bhawan, Block 4, Second Floor, Naya Raipur, Distt. Raipur (Chhattisgarh)
3. Collector, (Mining Branch), Distt. Raipur (Chhattisgarh)
4. Assistant Mining Officer, Office Of Collector (Mining Branch), Collectorate Premises, 1st Floor, Room No. 30-31, Raipur, Distt. Raipur (Chhattisgarh)
5. Regional Head, Directorate Of Geology And Mining, Chhattisgarh Regional Office, Sonakhan Bhavan, Raipur, Distt. Raipur (Chhattisgarh)
6. Tehsildar , Aarang, Distt. Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Smt. Fouzia Mirza, Advocate
For Respondents/State	:	Shri B. Gop Kumar, Dy.A.G., on advance copy.

S.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2016

Heard.

1. The grievance of the petitioner is that the petitioner's application for grant of quarry lease under the provisions of Chhattisgarh Minor Mineral Rules, 2015 (in short "*the Rules of 2015*") has been kept pending for the last almost 4

months without any decision.

2. The grievance as ventilated in the petition is that in the year 2013 also, the petitioner had moved application which was kept pending until it attained its natural demise because of the provisions contained in the new rules that all pending applications shall be deemed to be rejected. It is the grievance of the petitioner that during that period, many applications were considered and lease was granted. Now again, the petitioner's application has remained pending for almost 3 months and no decision has been taken.
3. Learned counsel for the State submits that in absence of any challenge to the provisions of the law providing for deeming rejection and also in the absence of any material to show that any application filed by any other person on or after 24.11.2015 having been allowed, the petitioner's apprehension is not well founded and the petition is premature.
4. In view of the provision contained in Rule 9 (2) of the Rules of 2015 providing for deemed rejection of all pending applications, the petitioner cannot be granted any relief on the basis that earlier in 2013, an application was moved.
5. It appears that the petitioner has moved application on 24.11.2015. The statutory period for decision of application for grant of quarry lease under the new statutory scheme is that such applications should be decided within a period of one year from the date of receipt of application.
6. Considering that hardly 3 months have lapsed and the petitioner has filed this petition, no relief can be granted to the petitioner except an observation that the authority are duty bound to process the application expeditiously and to take decision on the same within the stipulated period prescribed under the law.
7. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge