

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 7 OF 2016

SHRI ROY AND SANE ANTAO.

... Petitioner

Versus

STATE OF GOVERNMENT OF GOA,
THROUGH THE DIRECTOR OF MINES AND
GEOLOGY/JT.SECRETARY (MINES) AND
ANR.,

... Respondents

Mr. N. Laad and Mr. Amay Arjun Phadte, Advocates for the
petitioners.

Mr. V. Rodrigues, Government Advocate for the respondents.

Coram:- S. B. SHUKRE, J.

Date:- 17th February, 2016

P.C.

Heard the learned Counsel for the petitioner and the learned
Government Advocate for the respondents.

2. Learned Government Advocate, on instructions, submits that it is
a fact that no hearing was granted to the petitioner while passing the
first impugned order dated 21/10/2013.

3. In view of the statement made by the learned Government
Advocate, the impugned orders cannot be upheld in view of the
provisions of Rule 26(1) of Mineral Concession Rules, 1960.
Accordingly, Writ Petition is allowed. The impugned orders dated
09/09/2015 and 21/10/2013 are quashed and set aside. Mining lease

renewal application filed by the petitioner shall be considered by the competent authority in accordance with law.

4. All the contentions of both sides on merits of the matter, including the contention of the petitioner regarding the effect of amendment brought into force on 12/01/2015 to the Mines and Minerals Act, 1957 are kept open and shall be decided by the competent authority in accordance with law.

5. Writ Petition stands disposed of accordingly.

S. B. SHUKRE, J.

SMA