

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

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WRIT PETITION No.25481 of 2009

Between:
Angothu Yesu

....Petitioner

and

The Government of India,
Rep. by its Secretary, Ministry of Mines,
New Delhi, and others.

....Respondents

JUDGMENT PRONOUNCED ON : 23.02.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.25481 of 2009

ORDER:

The petitioner claims to be the owner and possessor of an extent of Acs.17.07 cents in Survey Nos.1461/39/2E, 1461/39/2AA, 1461/39/2A, 1461/39/6, 1461/39/5 and 1461/39/15 of Balajipet Village, Bayyaram Mandal in Khammam District. He submitted an application for grant of mining lease on 25.11.2005 and the same was forwarded to the Mandal Revenue Officer for submission of No Objection Certificate as regards classification and availability of mining lease. The Mandal Revenue Officer issued a No Objection Certificate on 05.11.2007 to the Assistant

Director of Mines and Geology. The Assistant Director of Mines and Geology recommended for grant of lease for an extent of 5.78 hectares. When the application was not disposed of, the petitioner filed W.P.No.4767 of 2008 and the same was disposed of on 07.03.2008 directing the respondents therein to consider the petitioner's application, dated 25.11.2005, and pass appropriate orders in accordance with law. Thereafter, the petitioner was issued a show cause notice on 08.07.2008 stating that the area was proposed to be reserved for exploitation of Andhra Pradesh Mineral Development Corporation Limited. The petitioner submitted his explanation. However, without considering the application in proper perspective, orders of rejection were passed on 20.11.2008. Challenging the same, the present Writ Petition is filed.

Similar Writ Petitions came up for consideration before this Court in W.P.No.23985 of 2008 and batch and the learned single Judge of this Court disposed of the said batch of cases by a common order dated 05.12.2012 setting aside the impugned orders therein and directing the respondents to consider the case of the petitioners therein afresh after giving sufficient opportunity of being heard in accordance with law.

In view of the aforesaid order, this Writ Petition is also disposed of by setting aside the impugned order dated 20.11.2008 passed by the second respondent and remanding the matter to the second respondent for consideration of the case of the petitioner afresh in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

23.02.2016

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