

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 11051 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“May be pleased to pass an order or writ or direction, more specifically one in the nature of a mandamus declaring the delay on the part of the respondents, especially of the 2nd respondent to pass formal orders of grant of renewal of mining lease of the petitioner in respect of Ac.4-91 cents of land in survey no.194/2(p), 194/4(p), 194/5 and 203/3 part of K.Velmavaripalle Taluq, PULIVENDULA, Kadapa district as illegal, unfair, discriminatory and violative of the petitioner's rights contained in article 14, 19 and 21 of the Constitution of India and consequently direct grant of renewal in respect of the same and pass such other order or further orders as may be deemed fit and proper in the circumstances of the case and in the interests of justice.”

2. The Assistant Director of Mines and Geology, Yerraguntla, YSR Kadapa District, filed a counter affidavit wherein he stated as under:

“It is further submitted that, the 3rd respondent has submitted proposals to the 1st respondent through 2nd respondent on the petitioner renewal Mining application dt. 21-7-2004 under single file system No.1963/M3/2004 dated 09.08.2004. The orders on the proposals from the 2nd respondent is under persuasion, since the , Government of India, have issued a Notification SO No.423(E) dt. 10-2-2015, (Ministry of Mines) in the Gazette of India, New Delhi declaring (31) minerals as minor minerals, by exercising the powers conferred under clause (e) of Section 3 of the Mines & Minerals (Development and Regulation) Act, 1957 and the present mineral, Barytes is one among them. The renewal of lease is still under consideration due to pending finalization of policy decision over converted 31 Minerals.”

3. In the light of the afore-stated stand of the mining authorities, it is for them to apply their mind to the petitioner's renewal application and take a decision thereon in accordance with law. Such an exercise cannot be kept pending indefinitely.

4. The Writ Petition is disposed of directing the authorities to take necessary and appropriate action upon the petitioner's renewal application expeditiously and in any event, not later than two months from the date of receipt of a copy of this order.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

April 26, 2016

Lmv