

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.16400 OF 2006

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the Memo bearing No.9111/M.II(1)/2006-1, dated 11.07.2006, issued by the 1st respondent – State Government.

2. Heard Sri Srinivasa Rao Budduluri, learned counsel, appearing for the petitioner and learned Government Pleader for Mines and Geology, appearing for the respondents, apart from perusing the material available before the Court.

3. According to the petitioner, it submitted an application for grant of Quarry lease for Stone and Metal in respect of the land situated in Survey No.345 of Girmapur Village, Medchal Mandal, Ranga Reddy District. The Deputy Director of Mines and Geology vide proceedings No.5183/Q-I(1)/2005, dated 25.10.2005, granted Quarry lease in favour of the petitioner for a period of fifteen years. The petitioner herein also entered into a lease agreement with the respondents in Form-'G'.

4. Questioning the said lease granted in favour of the petitioner, the 5th respondent preferred an Appeal under Rule 35 of the A.P.Minor Mineral Concession Rules, 1966 before the Director of Mines and Geology. The Director of Mines and Geology, vide proceedings No.36669/R7-1/05, dated 09.06.2006, disposed of the said Appeal filed by the 5th respondent by directing the Assistant Director of Mines and Geology to re-survey and demarcate the area and to submit necessary proposal to the Deputy Director of Mines and Geology and with a further direction to the Deputy Director to consider the application of the 5th respondent for an extent of 6.5 acres out of the area granted in favour of the petitioner.

5. Assailing the validity of the said order passed by the Director of Mines and Geology on the Appeal filed by the 5th respondent, the petitioner herein filed Appeal/Revision before the State Government under Rule 35 of the A.P.Minor Mineral Concession Rules. The State Government vide Memo No.9111/M.II(1)/2006-1, dated 11.07.2006, passed an order while calling for the remarks on the revision filed by the petitioner. The same reads as under:

“A copy of the Revision Application filed by M/s.Robo Silicon Pvt. Limited, along with its enclosures, is sent herewith to the director of Mines and Geology, Hyderabad, and he is requested to send his remarks on the Revision Application, immediately.

2. In the meantime, pending hearing of the case, the Director of Mines and Geology is directed that the first choice be given to M/s.Robo Silicon (P) Limited, to choose the area of 6.5 acres and the remaining area of 6.5 acres is to be given to M/s.Stone Cutters Labour Contract Cooperative Society Limited. The proceedings No.36669/R7-1/05, dated 09.06.2006 of the Director of Mines and Geology are also set aside to that extent only.

3. The Director of Mines and Geology is requested to take immediate necessary action in the matter.”

6. The said Memo issued by the State Government is under challenge in the present writ petition.

7. According to the learned counsel for the petitioner, the said Memo issued by the 1st respondent is highly erroneous and illegal. It is also the submission of the learned counsel that the impugned order is violative of principles of natural justice and Articles 14 and 19(1)(g) of the Constitution of India and opposed to the very spirit and object of A.P.Minor Mineral Concession Rules. Though, this Court ordered ‘Rule Nisi’ on 09.08.2006, no counter affidavit has been filed. According to the learned counsel for the petitioner, the Revision filed by the petitioner against the orders of the Director of Mines and

Geology dated 09.06.2006 is still pending consideration before the State Government and no final orders have been passed so far.

8. Having regard to the nature of relief sought for and in the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served if the

1st respondent is directed to dispose of the Revision Application, dated 14.06.2006, filed by the petitioner against the orders of the Director of Mines and Geology issued vide proceedings No.36669/R7-1/05, dated 09.06.2006, by fixing some timeframe and by directing continuation of the interim order granted by this Court on 09.08.2006 pending such exercise.

9. For the aforesaid reasons, Writ Petition is disposed of, directing the 1st respondent - State Government to pass appropriate orders on the Revision Application, dated 14.06.2006, preferred by the petitioner against the orders of the Director of Mines and Geology, issued vide proceedings No.36669/R7-1/05, dated 09.06.2006, within a period of three months from the date of receipt of a copy of this order, after giving notice and opportunity of hearing to all the stakeholders, in accordance with law. Till such exercise attains finality, the interim order of *Status quo* granted by this Court on 09.08.2006 in W.P.M.P.No.20463 of 2006 shall continue to operate.

10. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

04.07.2016
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