

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

W.P.No.18892 of 2008

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, challenges the order of the State Government/first respondent herein issued vide G.O.Ms.No.154, Industries & Commerce (Mines-I) Department, dated 24.06.2008.

2. Heard the learned counsel for the petitioner, Sri A.M.Qureshi and the learned Government Pleader for Mines and Geology for the respondents 1 to 3 and Smt.N.Shobha for the fourth respondent apart from perusing the material available before the Court.

3. Petitioner herein made an application on 18.08.2005 for grant of mining lease in respect of Sy.No.969 of Hathi Belagala Village, Allur Mandal, Kurnool District.

4. The Assistant Secretary to Government vide Memorandum No.10400/M.1(1)/2006-1, dated 02.01.2007, issued a show-cause notice under Rule 26 (1) of the Mineral Concession Rules 1960, proposing to reject the application of the petitioner for grant of mining lease. In the said show-cause notice, petitioner herein was asked to submit his explanation. In response to the said show-cause notice, petitioner submitted his explanation on 27.02.2007 and the same was acknowledged by the office of the Secretary of the first respondent/State Government.

5. The grievance of the petitioner in the present writ petition is that without considering the said explanation dated 27.02.2007 submitted in response to the show-cause dated 02.01.2007, the first respondent/State Government granted mining lease in favour of the fourth respondent by way of the impugned Governmental Order dated 24.06.2008. In the explanation dated 27.02.2007, the petitioner herein stated that the fourth respondent

while filing the application stated that he was not having any lease anywhere in the State though he was holding a mining lease granted vide G.O.Ms.No.303, Industries & Commerce dated 11.10.1999.

6. On the contrary, it is submitted by the learned counsel for the contesting fourth respondent that the application submitted by the fourth respondent is dated 16.09.2000 which is anterior to the date of submission of application by the petitioner on 18.08.2005, as such, the present writ petition deserves to be dismissed.

7. Absolutely there is no information forthcoming as to the action taken by the first respondent/State Government pursuant to the explanation dated 27.02.2007 submitted by the petitioner in response to the show-cause notice dated 02.01.2007. It is also significant to note that in the counter affidavit filed by the Assistant Director of Mines and Geology, Kurnool, it is stated that the fourth respondent produced the notarized affidavit stating that he does not possess any mining leases, prospecting licenses or any quarry leases anywhere in the state of Andhra Pradesh and that he is holding one Mining lease for Quartz over an extent of 61.00 acres in Sy.No.79/1 of Marrikommadinne Village, Nambula Pulakunta Mandal, Ananthapur District in the name of M/s.Star Minerals as on the date of filing the mining lease application.

8. Since the first respondent herein did not pass any orders on the explanation submitted by the petitioner on 27.02.2007, this Court deems it appropriate to direct the first respondent herein to pass orders on the explanation submitted by the petitioner on 20.07.2007 in response to the show-cause notice dated 02.01.2007 by fixing some time.

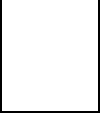
9. For the aforesaid reasons, the Writ Petition is disposed of, directing the first respondent State Government to pass appropriate orders on the representation dated 27.02.2007 submitted by the petitioner in response to the show-cause notice bearing No.10400/M.1(1)/2006-1, dated 02.01.2007, within a period of two months from the date of receipt of this order, after

giving notice and opportunity of being heard to the petitioner and the respondents and to all the stake holders. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No costs.

A.V.SESHA SAI, J

Date:10.11.2016
grk





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



W.P.No.18892 of 2008

Dated 10th November, 2016

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