

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 9608 of 2016

Date :29.11.2016

Between :

M/s. Crystal Mines & Minerals

Rep by the Managing Partner

Md Fayazuddin S/o Md Muneeruddin

17-1-319/A/51/B Owaisi colony, Santoshnagar, Hyderabad

Petitioner

And

Union of India, rep by the Secretary

Ministry of Mines, Shastri Bhavan,

Central Secretariat, New Delhi and others

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner filed application on 15.3.2012 to grant mining lease of Quartz & Feldspar in private land over an extent of Ac. 16.00 in Survey No. 370/371, Gundyal village, Hanwada mandal, Mahaboobnagar. To process the said application, no objection certificate (NOC) from the Revenue authorities is necessary. It is the case of the petitioner that though Tahsildar recommended for grant of NOC, the District Collector by his letter dated 8.8.2013 informed the Assistant Director, Mines and Geology, Mahaboobnagar that as the subject land is near to the reserve forest Gundyal, therefore NOC cannot be granted. Aggrieved thereby, petitioner claims to have filed appeal before the Minister for Revenue on 28.11.2014 and the same is pending. Petitioner also sent a reminder on 16.11.2015 but so far no orders are passed.

The claim in the writ petition is to process petitioner's mining lease application. However, since, NOC is not granted, no such direction can be granted at this stage. Since appeal filed by the petitioner against the order of the District Collector rejecting NOC is pending before the Minister, I am of the opinion that the writ petition can be disposed of directing the Appellate Authority to pass appropriate orders on the appeal filed by the petitioner on 28.11.2014 as expeditiously as possible, preferably within a period of six weeks from the date of receipt of copy of this order. If the Appellate Authority consider the appeal favourably and directs to grant NOC, the application submitted by the petitioner for grant of mining lease on 15.3.2012 shall be processed within a further period of six weeks. Accordingly, writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 29.11.2016
TVK

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