

**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.27261 of 2008

Between:

M/s.Kamal VS Teja Minings

....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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ORDER:

The petitioner claims to have submitted an application for grant of mining lease over an extent of 316.00 hectares in different survey numbers of Emboy Village, Bethamcherla Mandal in Kurnool District on 08.11.2006 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 to the Assistant Director of Mines and Geology. The Assistant Director of Mines and Geology recommended for grant of lease. When the application was not disposed of, the petitioner filed W.P.No.23343 of 2007 and the same was

disposed of on 20.11.2007 directing the second respondent therein to consider the petitioner's application, dated 08.11.2006, and pass appropriate orders in accordance with law. Thereafter, orders of rejection were passed by the second respondent on 20.09.2008. Challenging the same, the present Writ Petition is filed.

The impugned order states that the petitioner was issued a show cause notice stating that the area was proposed to be reserved for exploitation of Andhra Pradesh Mineral Development Corporation Limited and the same was returned to the Government without serving on the applicant as the applicant left the address without intimating to the authorities concerned.

It is the case of the petitioner that it had already intimated to the authorities about the change of address, but the show cause notice seemed to have been posted to the same old address.

However, without going into the aspect of violation of principles of natural justice, this Writ Petition is disposed of as 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 20.09.2008 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

VS