

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

WRIT PETITION No.7451 of 2009

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the inaction on the part of the respondents in considering the application of the petitioner for granting mining lease.

Heard, Sri Venkat Reddy Donthi Reddy, learned counsel for the petitioner, Sri B. Narayana Reddy, learned Assistant Solicitor General for respondent No.1 and learned Government Pleaders for Mines and Geology and Forests for respondents 2 to 6, apart from perusing the material available before this Court.

According to the petitioner, petitioner company submitted an application for grant of mining lease on 22-12-2007 for iron ore, sand stone, soap stone, Clay, Steatite over an extent of 1500 hectares in Compartment Nos.174 to 179, 179/A, 180 of L. Banda, R.F., Betamcherla Mandal and Section, Kurnool Division, Kurnool District, Andhra Pradesh. It is further stated that after submission of the said application by the petitioner company, the Assistant Geologist along with the surveyor inspected and surveyed the applied area on 13-03-2008 and submitted survey report also expressing no objection. It is the further case of the petitioner that applied area is fit for extraction of iron ore which can be utilized for industries of sponge iron and cement. It is stated that the applied area falls under reserved forest and petitioner submitted the necessary statutory proforma

under Section 2 of the Forest Conservation Act, 1980.

In the above background, the grievance of the petitioner is that though the petitioner herein submitted the application as long back as on 22-12-2007 no action has been taken on the said application.

According to the learned counsel for the petitioner, the State Government cannot keep the application for indefinite period without processing the same and the same is also in contravention of the instructions of the Government vide G.O.Ms.No.181, dated 28-05-1998.

This Court, while ordering *rule nisi* on 09-04-2009 granted following interim direction in W.P.M.P.No.9785 of 2009:

"There shall be interim direction to the respondents to consider and pass appropriate orders on the application purported to have been made by the petitioner on 22-12-2007, along with other applications pending in this regard, for grant of a mining lease over 1500 hectares of land in compartment Nos.174 to 179, 179/A and 180 of L. Banda R.F., Bethamcherla mandal and Section, Kurnool Division, Kurnool District, within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to the petitioner. Notice."

According to the learned counsel for the petitioner, though this Court passed the interim order as long back as on 09-04-2009, no orders have been passed on the mining lease application of the petitioner. It is requested by learned counsel for the petitioner to direct the respondents to pass appropriate orders on

the mining lease application, dated
22-12-2007 by fixing some timeframe, in accordance with law.
This Court considers the said request as reasonable.

For the aforesaid reasons and having regard to the nature of
controversy, the writ petition is disposed of, directing the
respondents to consider and pass appropriate orders on the
mining lease application, dated 22-12-2007 said to have been
submitted by the petitioner herein for grant of mining lease over an
extent of 1500 hectares in compartment Nos.174 to 179, 179/A,
180 of L. Banda, R.F., Betamcherla Mandal and Section, Kurnool
Division, Kurnool District, Andhra Pradesh, within a period of three
(3) months from the date of receipt of a copy of this order, in
accordance with law. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ
Petition shall stand closed.

A.V. SETHA SAI, J

July 12, 2016
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THE HON'BLE SRI JUSTICE A.V. SETHA SAI

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