

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2723 of 2009

ORDER:

1. The petitioner submitted an application for grant of mining lease for iron ore in an extent of Ac.28-21 in Sy.No.45/85 of Motlathimmapuram village, Bayyaram Mandal, Khammam District, to the Assistant Director of Mines and Geology, on 25.02.2005 by complying with all the formalities. The area was inspected by the Mandal Revenue Officer, Bayyaram and he issued No Objection Certificate to an extent of Ac.28.00, which was classified as Government land. After issuance of No Objection Certificate by the Mandal Revenue Officer, Bayyaram, the application of the petitioner was recommended for grant of mining lease by the Director of Mines and Geology. When no orders were passed on the application, the petitioner filed W.P.No.12282 of 2008 challenging the inaction of the 2nd respondent and this Court disposed of the said writ petition on 19.06.2008 directing the 2nd respondent to consider the application of the petitioner dated 25.02.2005 and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of that order. In spite of passing of the said order, when the application was not disposed of, the petitioner filed C.C.No.1302 of 2008. Pending the said Contempt Case, the respondents issued a show cause notice on 17.09.2008 asking the petitioner to submit his explanation as to why his application cannot be rejected as the Government took a decision to reserve the said area in favour of the Andhra Pradesh Mineral Development Corporation Limited. The petitioner submitted his explanation to the said show cause notice. In spite of the same, when an order of rejection was passed on 26.11.2008, this writ petition was filed by the petitioner.

2. Even after six years, no counter-affidavit is filed by the respondents.

3. A perusal of the impugned order dated 26.11.2008 shows that the

Government of Andhra Pradesh earlier recommended to the Government of India the application of the petitioner as well as others for grant of mining lease. In the meanwhile, it reserved the area for exclusive exploitation by the A.P. Mineral Development Corporation Limited for the purpose of scientific and systematic mining of the mineral, but the Government of India has returned the proposals recommended by the Government of Andhra Pradesh. Learned Counsel for the petitioner submits that the Government of India did not accept such reservation exclusively for the A.P. Mineral Development Corporation Limited. However, in the impugned order, while considering the explanation submitted by the petitioner, it was stated as follows:-

“After careful examination of the matter, Government considers that the explanation submitted by the applicant is not convincing and deserves rejection, as the reservation is purely in public interest to utilize this iron ore mineral for optimum use by a State PSU to generate more revenue and employment in the State. Accordingly, the application dated 25.02.2005 filed by Sri Banavathu Laxmana for grant of mining lease for iron ore over an extent of 28.21 Acres in Sy.No.45/85 of Motlathimmapuram village, Bayyaram Mandal, Khammam District, is hereby rejected.

The file is returned herewith to the Director of Mines and Geology for taking further necessary action.”

4. It is clear from the above facts that earlier this Court disposed of the Writ Petition No.12282 of 2008 filed by the petitioner on 19.06.2008 by directing the 2nd respondent to consider the application of the petitioner within a period of eight weeks and when Contempt Case No.1302 of 2008 was filed, no orders were passed thereon in view of reservation of the area in favour of the Andhra Pradesh Mineral Development Corporation Limited. Now the proposal of the Government of Andhra Pradesh for reservation of the area in favour of the Andhra Pradesh Mineral Development Corporation Limited was not approved by the Union of India.

5. In the circumstances, the area is available for grant of mining lease to the private parties.

6. Hence, the Writ Petition is disposed of directing the 2nd respondent to consider the application of the petitioner dated 25.02.2005 for grant of mining lease for iron ore in an extent of Ac.28-00, for which No Objection Certificate was issued by the Mandal Revenue Officer, Bayyaram, and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

12-04-2016
Gsn