

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2720 of 2009

ORDER:

1. The petitioner submitted an application for grant of mining lease for iron ore in an extent of Ac.24-20 cents in Sy.No.60/1 of Ramachandrapuram village, Bayyaram Mandal, Khammam District, to the Assistant Director of Mines and Geology, on 14.03.2005 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.24.14 cents, 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. In spite of the same, no orders were passed on the application. While so, the respondents issued a show cause notice on 18.09.2008 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 08.12.2008, 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 08.12.2008 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 proposal 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 14.03.2005 filed by Sri R.Nageswar Rao for grant of mining lease for iron ore over an extent of 24.20 Acres in Sy.No.60/1 of Ramachandrapuram 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 no orders were passed on the application of the petitioner 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 14.03.2005 for grant of mining lease for iron ore in an extent of Ac.24-14 cents, 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