

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12028 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents in processing and forwarding the petitioner's application dated 18.10.2007 for granting of Mining Lease for Iron Ore for an extent of 50.00 Hectors in the compartment numbers 29 and 30 of Kothagudem Division, Bayyaram range, Bayyaram Village and Mandal, Khammam District, State of Telangana which is a 'Notified Schedule Area' is illegal, arbitrary and violative of Articles 14, 19(1)(g) & 21 of the Constitution of India apart from being violative of principles of natural justice and consequently direct the respondents 2 and 3 to process and forward the same to the 1st respondent of the petitioner's application dated 18.10.2007 to the 1st respondent and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

Though the learned Special Government Pleader representing the learned Advocate General appearing for the State of Telangana and the learned Government Pleader for Forests would assert that the petitioner's application, dating back to the year 2007, cannot be acted upon in the light of the changed circumstances due to various factors, this Court is of the opinion that as no decision has been taken by the authorities concerned upon the application made by the petitioner for grant of mining lease, it is for them to apply their mind to the said application and take a decision as to whether the same can be accepted or is liable to be rejected, be it on whatever ground.

As the authorities are yet to exercise their minds in this regard, no cause is made out for interference by this Court. However, as it

would not be open to the authorities concerned to keep such an application pending indefinitely, the writ petition is disposed of directing the authorities concerned to consider the petitioner's application for grant of a mining lease in accordance with law and take a decision thereon expeditiously and in any event, not later than three months from the date of receipt of a copy of this order. In the event the petitioner's application is rejected, the reasons therefor shall be duly recorded and communicated to her.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

12th April, 2016
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