

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.10319 OF 2006

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for Mines and Geology (AP) for respondents 2 to 4 and the learned counsel for respondent No.5.

2. The petitioner and the fifth respondent applied for grant of mining lease for barites in an extent of Ac.1-45 cents in Sy.Nos.288/24 and 288/45 of V.Kothapally Village, Vemul Mandal, Kadapa District. The petitioner withdrew the application in respect of the land in Sy.No.288/45. The second respondent issued an order on 01.12.2000 rejecting the mining application of the petitioner on the ground that the area applied is overlapping the area applied by the fifth respondent. Challenging the same, the petitioner preferred a revision before the first respondent and the first respondent passed final order No.41/2002 on 05.04.2002 setting aside the order of the second respondent dated 01.12.2000 and remanding the matter to the second respondent for consideration of the mining lease applications of the petitioner and the fifth respondent for the area of Ac.1-45 cents, after affording opportunity of hearing to both parties.

3. Pursuant to the order of remand, the second respondent issued a memo No.13003/M.III.2/2003-2, dated 29.11.2003, rejecting the application of the fifth respondent and directing the third respondent for consideration of the mining lease application of the petitioner. Challenging the said order, the fifth respondent preferred a revision before the first respondent and the first respondent passed final order No.10/2006 on 27.04.2006 remanding the matter to the second respondent to re-examine the matter in the light of the provisions of Section 11(3) of the Mines and Minerals (Development & Regulation)

Act, 1957 and pass a reasoned and speaking order and accordingly set aside the order dated 29.11.2003 of the second respondent. The petitioner filed the present writ petition challenging the said order. This Court, by order dated 25.05.2006, suspended the order of the first respondent dated 27.04.2006, as the petitioner has already been carrying out the mining operations by virtue of a lease deed executed on 16.10.2004 for a period of 20 years i.e., from 16.10.2004 to 15.10.2024.

4. When the matter is taken up for consideration, the learned counsel for the petitioner as well as the leaner counsel for the fifth respondent fairly submitted that in view of the interim order passed by this Court and in view of the impugned order, being an order of remand, this writ petition can be disposed of by directing the second respondent to consider the case of the petitioner as well as the fifth respondent pursuant to the order of remand passed by the first respondent on 27.04.2006. It is also agreed by both sides that in view of the interim order granted by this Court on 25.05.2006, the petitioner shall be continued to do the mining activity in respect of an extent of land Ac.1-45 cents in Sy.No.288/24 of V.Kothapally Village, Vemul Mandal, Kadapa District.

5. In view of the consensus arrived at by the parties, this writ petition is disposed of directing the second respondent to consider the case of the petitioner and the fifth respondent pursuant to the order of remand passed by the fifth respondent on 27.04.2006 and dispose of the same as expeditiously as possible, but not later than three months from the date of receipt of a copy of this order. Till then, the petitioner is permitted to continue the mining operations.

6. The writ petition is accordingly disposed of. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 15.03.2016

TJMR

