

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 22339 of 2016

ORDER:

-

Heard learned counsel for the petitioner and Government Pleader for Mines and Geology.

The present writ petition came to be filed with the following prayer:

“Issuance of writ of mandamus declaring the action of the 2nd respondent in not passing orders on grant of mining lease in favour of the petitioner despite the compliance of the conditions imposed under the letter of intent, as illegal and arbitrary; and consequently direct the 2nd respondent to pass orders on grant of mining lease in favour of the petitioner in pursuance of Lease Proposal vide Memo No.10474/M.III(2)/2010-2, dated 12.10.2010 issued by the 1st respondent in respect of 12 hectares of land in un-surveyed hill portion of Bhamidika, H/o. Sarugudu, Nathavaram Mandal, Visakhapatnam District.”

A perusal of the material on record would show that the petitioner made an application to the 1st respondent for grant of mining lease to excavate laterite from the land admeasuring 199 hectares in un-surveyed hill portion of Bhamidika Village, H/o. Sarugudu Gram Panchayat, Nathavaram Mandal, Visakhapatnam. The officials demarcated the applied area as 121 hectares. The 1st respondent also issued proceedings proposing to grant mining lease in my favour over an extent of 121 hectares for a period of 20 years subject to fulfilling three conditions ie. 1) To submit Consent of Establishment from A.P.Pollution Control Board, (2) Environmental Clearance from the Ministry of Environment and Forest, Government of India; and approved Mining plan.

It is the case of the petitioner that though he has submitted Consent from A.P. Pollution Control Board, Environmental Clearance Certificate and approved mining plan, till date the 2nd respondent has not taken any decision on his application and hence seeks a direction to the respondent authorities to pass orders on his representation.

Government Pleader for Mines and Geology submits that if the said application is still pending consideration the same will be disposed of in accordance with law, within a reasonable time.

Without going into the merits of the case and having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 2nd respondent to pass appropriate orders on the application made by the petitioner seeking grant of mining lease for excavating laterite in 120 hectares of land in un-surveyed hill portion of Bhamidika, H/o. Sarugudu, Nathavaram Mandal, Visakhapatnam, in accordance with law, as early as possible, preferably within a period of three (03) weeks from the date of receipt of a copy of the order. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

15.07.2016
gkv