

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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**WRIT PETITION Nos.28149, 27979, 28153, 28345, 28349, 28812, 28856, 28868,
28889 and 28931 of 2009**

Between:

M/s.Uday Stone Crushing Pvt. Ltd.,
And others.

....Petitioners

and

The Government of Andhra Pradesh,
Rep.by its Secretary, Industries and Commerce Department,
Secretariat, Hyderabad,
And others.

....Respondents

JUDGMENT PRONOUNCED ON : 22.03.2016

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?
2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : No
see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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**WRIT PETITION Nos.28149, 27979, 28153, 28345, 28349, 28812, 28856, 28868,
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COMMON ORDER:

These Writ Petitions are being disposed of by this common order as they arise out of the same cause of action.

The petitioners in these Writ Petitions are stone crushing units situated in various survey numbers of Ranga Reddy District. The petitioners were granted lease and their lease is subsisting. Though the

lease was subsisting, the Government issued G.O.Ms.No.89, Industries and Commerce (M.II) Department, dated 22.03.2006, declaring the areas falling in Survey No.268 of Bandaraviryala Village, Hayatnagar Mandal in Reddy District, over an extent of Acs.670.20 guntas as "Mining Zone" dispensing with individual quarry leases in and around twin cities of Hyderabad and Secunderabad by shifting and relocating in the proposed mining zone and allocated to the Andhra Pradesh Mineral Development Corporation (APMDC) by excluding the existing quarry leases in the area until they are cancelled enabling the APMDC to sublease appropriate blocks to the allottees to be rehabilitated. 36 applicants formed into a company by name, M/s.Bandaraviryala Crushers and Mining Zone Limited, and requested for allotment of quarry area in the Mining Zone. They are also existing quarry lease holders, who shall be rehabilitated in future. G.O.Ms.No.294, Industries and Commerce (Mines.II) Department, dated 14.11.2007, was issued by the Government considering the representations and it was decided to allot individual leases to the applicants with certain conditions. By G.O.Ms.No.349, Industries and Commerce (M.II) Department, dated 15.12.2007, the list of allottees was published and they were requested to submit applications. The petitioners were the applicants. After considering the applications and also the undertaking to shift the existing units, they were granted quarry leases. Lease deeds were executed after issuance of sanction by the Assistant Director of Mines and Geology for a period of 15 years. But, the physical possession of quarry lease was not handed over, as the area was occupied by assignees. In view of the inability to handover physical possession of the leased area, the quarry lease holders, who were granted leases earlier, were allowed to continue their operation in their existing places till they are handed over the allotted area in the new mining zone. Accordingly, the Government has been issuing temporary permits. While so, when the Assistant Director of Mines and Geology issued notice on 03.12.2009 to vacate the leased area on or before 05.12.2009, the present Writ Petitions were filed.

This Court, at the time of admission of the cases, ordered notice and ordered *status quo* to be maintained.

The fifth respondent, as per the counter affidavit in W.P.No.28149 of 2009, admits the leases in favour of the petitioners and it is stated that this Court in W.P.No.7326 of 1997 filed by a citizen against quarrying and crushing operations in Gowldoddi (Gopanpally), Nanakramguda, Khanapur and Kokapet in Ranga Reddy District, directed the respondents not to grant any quarry lease within a distance of 2 Kms in future from residential areas. Challenging the said judgment, some quarry lease holders filed Special Leave Petitions before the Hon'ble Supreme Court of India and the Supreme Court, by order dated 17.02.1998, stayed the orders of this Court and restrained the petitioners before it from carrying on any mining and stone crushing operations within a distance of 1 Km from the lake or Service Reservoir and 500 metres from human habitation. Finally, the Supreme Court, based on the expert's report, disposed of the Civil Appeals modifying the orders of this Court dated 17.10.1997, by directing that the distance of 1 Km is a safe distance between the site of quarry leases and the residential localities or GLSR of Osmansagar lake. The quarry leases granted in favour of the petitioners fall within the unsafe distance of 1 Km from the nearest habitation. The Government issued G.O.Ms.No.153, Industries and Commerce Department, dated 01.03.2002, constituting "Mining Zone Committee" in Ranga Reddy, Medak, Nalgonda and Chittoor Districts under the Chairmanship of the Collector. The Mining Zone Committee, Ranga Reddy District, initially identified the area over an extent of Acs.670.29 guntas of Bandaraviryala Village, Hayatnagar Mandal for declaring it as Mining Zone. The Government issued G.O.Ms.No.89, dated 22.03.2006, declaring the said area as "Mining Zone" and allocated to the APMDC so as to facilitate sublease to the allottees to be rehabilitated. However, after receiving representations from various stone crusher owners, who have formed two companies consisting of 36

allottees in one company and 5 allottees in another company, the Government allotted the total extent of Acs.670.29 guntas to the said two companies. They again requested the Government to allot quarry lease areas individually to 41 allottees. The Government issued G.O.Ms.No.349, dated 15.12.2007, allotting the total area to 41 stone crusher owners, including the petitioners. But, the said land appears to have been consisting of Government lands, patta lands and assigned lands. The Revenue Department resumed the assigned lands prior to the declaration of the area as "Mining Zone". However, the assignees resisted their eviction and requested the Hon'ble Chief Minister for allotment of alternative land. It was decided that 41 allottees should pay compensation to the assignees for resuming the land from them. Since the issue did not finalise, the petitioners requested the Government for issuance of temporary permits pending handing over of possession of the allotted areas in the "Mining Zone". Accordingly, temporary permits were being issued for continuing quarry operations in their previously leased areas. The Hon'ble Minister for Mines and Geology, while answering the short notice question raised by the Hon'ble Members of the Legislative Assembly, had assured in the Floor of Assembly that the allottees would be directed to occupy and take possession of their quarry lease areas within a period of three months by first week of December, 2009. In those circumstances only, the fifth respondent issued a notice on 21.08.2009 followed by another notice on 03.12.2009.

It appears that, by virtue of the subsequent orders granted by this Court, the petitioners continued in the leased areas. But, the learned Counsel for the petitioners produced before this Court a copy of the latest temporary permit issued to the lease holders on 16.02.2016, which discloses that the petitioners requested fifteen months time for shifting the crushing units to Bandaraviryala Mining Zone and requested to issue temporary permits in the old existing lease areas till the shifting of crushers. Their request was forwarded by respondent Nos.4 and 5. After careful examination of the proposal submitted by respondent Nos.4

and 5, the second respondent felt that ten months time is sufficient for shifting of crushing units from the existing areas to Bandaraviryala Mining Zone and the same was accorded as a last chance. Accordingly, respondent Nos.4 and 5 were directed to issue temporary permits for a period of ten months or till the completion of shifting of crushing units to the Bandaraviryala Mining Zone, whichever is earlier.

In view of the granting of ten months time by the second respondent to the petitioners for shifting their crushing units from the old leased areas to the identified areas in the Bandaraviryala Mining Zone in respect of subsisting lessees, no further orders need be passed in all these cases, except recording the time of ten months granted to the petitioners for shifting their crushing units from the old leased areas to the newly allotted areas in the Bandaraviryala Mining Zone, and such shifting shall be regulated by respondent Nos.1 to 5 in accordance with law.

The Writ Petitions are, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

22.03.2016
vs