

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.19715 of 2016

ORDER:

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Heard Sri A.Sudarshan Reddy, learned Senior Counsel, representing Sri P.Roy Reddy, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents. With the consent of counsel appearing for both parties, the Writ Petition is disposed of at the stage of admission itself.

2. The present Writ Petition came to be filed seeking to declare the inaction of the 1st respondent in considering the application, dated 01.09.2010, made by the petitioner's husband seeking transfer of mining lease granted vide agreement in Form-K, dated 31.05.2006, for excavation of Calcite and Mica over an extent of Ac.10.41 cents (4.21 Hectares) in Sy.Nos.1/9, 1/10 and 2 of Thoburthi Village, Ananthagiri Mandal, Visakhapatnam District and in permitting unauthorized excavation over the leased area, as illegal and arbitrary amounting to abdication of statutory duty and consequently to direct the 1st respondent to grant consent for transfer of the said mining lease, execute a deed in "Form-O" in favour of the petitioner and take appropriate steps to permit only the petitioner to excavate mineral in the said leased area.

3. Though various grounds are raised in the Writ Petition, learned counsel for the petitioner restricts his prayer seeking a direction to the 1st respondent to consider the application, dated 01.09.2010, made by the husband of the petitioner for transfer of mining lease in accordance with law.

4. Learned Government Pleader for Mines and Geology placed on record the instruction issued by the Director of Mines and Geology, wherein it is stated that the Deputy Director of Mines and Geology, Visakhapatnam is directed to conduct hearing duly calling the transferor and transferee and submit a detailed report within two (2) weeks so as to dispose of the application for transfer of mining lease.

5. In view of the above, the Writ Petition is disposed of directing the 3rd respondent - Director of Mines and Geology, Visakhapatnam, to submit a detailed report within two (2) weeks from the date of receipt of a copy of this order enabling the 1st respondent to pass appropriate orders on the report. It is needless to mention that within ten (10) days from the date of receipt of the report, the 1st respondent shall pass orders on the application of the petitioner, dated 01.09.2010. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

27.06.2016
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