

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.41248 of 2015

ORDER:

The prayer of the petitioner in this writ petition is as under:

“For the reasons stated in the accompanying affidavit, the petitioner herein pray that this Hon'ble court may be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the impugned show cause notice of the 3rd respondent No.5390/Q2/2015, dt.11-11-2015 in proposing to refuse the pending application of the petitioner dt.3-12-2013 without granting permission to make fresh application as per amended Regulation 2015 is illegal, arbitrary and unconstitutional and against the principles of natural justice and consequently by setting aside the impugned show cause notice of the 3rd respondent No.5390/Q2/2015, dt.11-11-2015 and direct the respondents to grant permission to the petitioner to make fresh application for quarry lease as per the amendment regulation Sec.10(a)(1) of MMR&D Act 2015 and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

Written instructions dated 30.12.2015 were furnished by the Deputy Director of Mines and Geology (FAC), Guntur, to the office of the learned Government Pleader for Mines and Geology, wherein he stated that the petitioner's application made in the year 2013 for grant of a quarry lease for excavation of Limestone in Piduguralla Village and Mandal was liable to be rejected in the light of the Mines and Minerals (Development and Regulation) Amendment Act, 2015, which postulated under Section 10 thereof that all applications received prior to the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015, would be ineligible. He further stated that as the petitioner's application falls within this category, rejection proposals were submitted by the Assistant Director

of Mines and Geology, Dachepalli, and a show-cause notice was also issued to the petitioner in this regard.

Sri M. Janardhan Rao, learned counsel for the petitioner, fairly conceded that in the light of the statutory provision referred to supra, pending applications would be liable to be rejected on the ground of eligibility. He would however state that the petitioner may be permitted to make a fresh application as per the amended statutory provisions. Significantly, the written instructions are silent as regards this aspect.

As the petitioner's pending application is rendered ineligible in the light of the amended statutory provision, it would always be open to him to make a fresh application as per the amended provisions, if he is otherwise eligible.

Making this position clear, the writ petition is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

4th January, 2016
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