

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Writ Petition No.8560 of 2016

ORDER :

In the counter-affidavit filed by respondents two reasons have been stated for not issuing dispatch permits. The first reason is that the Government had intended to hand over 10,921.45 acres of Government land in favour of APIIC for establishment of industrial hub and as such, allowing mining operations over the said area will disturb the objectives of the industrial policy of the Government. Second ground is that the petitioner had not submitted the previous dispatch particulars for the permits issued to the petitioner and the same is violation of Rule 27(1)(i) of M.C. Rules, 1960, apart from not submitting monthly and annual returns as required under Rule 45 of the MCDR Rules, 1988.

It may be noted that so far as first reason is concerned, it is unsustainable as this Court had held in W.P.No.26536 of 2015, the future prospect of land being handed over to the APIIC cannot be accepted, as long as the lease granted in favour of the petitioner is valid and subsisting. Admittedly, as on date the lease granted in favour of the petitioner is not determined and is valid. So far as the other ground is concerned, in the interest of justice, within ten days from today petitioner shall submit the dispatch particulars for the earlier permit granted and also would file the monthly as well as the annual returns. Within one week from the filing of such returns, the dispatch permits shall be issued in favour of the petitioner.

Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM, J

Dated: 01.02.2017.
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