

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.34213 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“... to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 3rd respondent in not processing and granting quarry lease pursuant to the application made by the petitioner society dated 04.10.2017 in respect of 4.96 hectares in Sy No. 738 of Lakdaram & 132 of Rudraram villages, Patancheru Mandal, Sangareddy District in the light of GOMS NO. 286 Industries & Commerce (Mines I) Department dated 11.07.1994 as illegal and arbitrary and violative of Article 21 of the Constitution and further direct 3rd respondent to immediately process and grant quarry lease - for stone metal in favour of the petitioners society pursuant to its application dated 04.10.2017 in respect of 4.96 hectares in Sy.No.738 of Lakdaram & 132 of Rudraram Villages, Patancheru Mandal, Sangareddy District in the light of G.O.Ms.No.286 Industries & Commerce (Mines-I) Department dated 11.07.1994 and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

I have heard the learned counsel for the petitioner, learned Government Pleader for Mines and Geology and Sri Swaroop Oorilla, learned counsel for respondent No.6, which is impleaded vide order dated 10.11.2017 in W.P.M.P.No.44215 of 2017. I have perused the material record.

The only grievance of the writ petitioner-society is non-disposal of their application dated 04.10.2017 for grant of quarry lease for stone and metal in Survey Nos.738 of Lakdaram Village and 132 of Rudraram Village, Patancheru Mandal, Sanga Reddy District, to enable the petitioner-society to continue quarrying

operations in the light of G.O.Ms.No.286, Industries and Commerce (Mines-I) Department, dated 11.07.1994.

At the hearing, learned counsel for the petitioner submits that if a direction is given to the respondents to consider and dispose of the said application in accordance with the procedure established by law, the grievance of the petitioner would be redressed.

Learned counsel appearing for respondent No.6 would on the other hand submit that respondent No.6 was the earlier lease holder of the subject area and that its application was rejected and that an appeal and a writ petition were filed and they are pending and that for the illegal acts of mining of the sub lessees of respondent No.6, there is also a demand for penalty and that it is the prior applicant. Therefore, respondent No.6 has to be heard before any decision is taken by the authority concerned.

Learned Government Pleader, on instructions, submits that a No Objection Certificate is awaited from the Tahsildar concerned and that apart from the above application of the writ petitioner, the Office of the Assistant Director of Mines and Geology, Sanga Reddy, also received two other applications in respect of the same area prior to the application of the petitioner and that the applications are pending for want of No Objection Certificate from the Revenue Department.

Having regard to the facts and circumstances, this writ petition is disposed of directing the second respondent to consider and dispose of the aforesaid application dated 04.10.2017 of the petitioner in strict accordance with procedure established by law

after considering all the relevant aspects and giving an opportunity of hearing to the petitioner as well as all the stakeholders including the applicants. It is made clear that the second respondent shall complete the necessary exercise in this regard within four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M. SEETHARAMA MURTI, J

Date: 10.11.2017
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