

THE HON'BLE JUSTICE A.V.SESHA SAI

WRIT PETITION No.29251 OF 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Mines and Geology.

The alleged inaction on the part of the respondent authorities, in processing the mining lease application of the petitioner, dated 26.07.2016, in respect of the extent of Ac.281.51 cents in Sy.No.187 of P.Jagannadhapuram Village, Prathipadu Mandal, East Godavari District, is under challenge in the present Writ Petition.

The case of the petitioner, as advocated by the learned counsel for the petitioner, is that, as a consequence of the memo bearing No.5307/M.II(1)/2016, dated 23.07.2016, issued by the first respondent-State Government, the Laterite mining lease application of the petitioner submitted in the year 2007 was returned and, subsequently, on 26.07.2016, the petitioner herein submitted an application for grant of Laterite mining lease in respect of the above area. The complaint of the petitioner in the present Writ Petition is that, though the respondent authorities received the mining lease application of the petitioner, as long back as on 26.07.2016, no action has been taken in the direction of processing the said application.

A counter-affidavit, deposed by the Assistant Director of Mines and Geology, is filed on behalf of the respondent Nos.1, 2 and 4 stating that, after getting clearance from the revenue department, all the applications submitted by various individuals, including the petitioner herein, have been processed as per the A.P. Minor Mineral Concession Rules, 1966 r/w G.O.Ms.No.56, Industries & Commerce (M.II) Department, dated 30.04.2016.

At the hearing, it is submitted by the learned Government Pleader that the Assistant Director of Mines and Geology-fourth respondent herein addressed a letter to the revenue authorities seeking permission to process the application of the petitioner herein. According to paragraph No.6 Clause (ii) of G.O.Ms.No.107 Industries & Commerce (M.II) Department, dated 30.07.2016, the Tahsildar concerned will have to send his report to the Assistant Director of Mines and Geology within a period of thirty days duly marking a copy of the report to the District Collector and the said report need not be routed through the intermediate level of Revenue Divisional Officer/Sub-Collector. Clause (vii) of paragraph No.6 of the said G.O. also obligates the District Collector to ensure that the Tahsildars send their reports within the specific time.

Having heard the learned counsel for the petitioner and the learned Government Pleader, and in the facts and circumstances of the case, this Court deems it appropriate to dispose of the Writ Petition with a direction to the respondents herein to consider the application of the petitioner herein for grant of Laterite mining lease and pass final orders, strictly in accordance with law, within a period of eight weeks.

The Writ Petition is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

16th October, 2017
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