

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9946 OF 2017

ORDER:

This Writ Petition is filed by the petitioner seeking to issue a writ of mandamus to declare proceedings, dated 22.02.2017, issued by the 2nd respondent directing the petitioner to submit consent of assignees as per G.O.Ms.No.2, dated 02.01.2013, for processing of mining lease application, dated 26.07.1995 for quartz and feldspar over an extent of Acs.7.00 guntas of land in Sy.No.82 of Challampally village, Talakondapally Mandal, Mahabubnagar District, as arbitrary and illegal.

The grievance of the petitioner is that she made an application for grant of mining lease on 24.07.1995, and thereafter, the Revenue authorities had in fact, given No Objection Certificate stating that the land is a government land. However, through the impugned order, for the first time, the petitioner was intimated that there is an objection from the assignees of the land and that they themselves would like to mine the mineral through the Firm in which they are partners.

Learned counsel for the petitioner submits that for the first time the petitioner was intimated that the land being assigned in favour of third parties, however, no documents as such were made available to the petitioner and that various references were also made in the show cause notice, but the said documents were also not made available to the petitioner, due to which the petitioner is unable to submit her explanation to protect her rights though the impugned notice is a show cause notice. Learned counsel prays for a direction to the respondent authorities to furnish the copies of documents and provide the petitioner

with reasonable opportunity and also time to submit her objections to the show cause notice.

Learned Government Pleader for Mines & Geology submits that he has no objection for the prayer, which is being made by the petitioner.

Having considered the respective submissions, the petitioner is directed to make an application to the 2nd respondent for furnishing the documents, which are required to her, within a period of one week from the date of receipt of a copy of this order, and the 2nd respondent shall furnish the required documents to the petitioner within a period of four (4) weeks thereafter. After receipt of the documents from the 2nd respondent, the petitioner shall submit her objections/ consent from the assignees, and after receipt of the same, the 2nd respondent shall be at liberty to pass appropriate orders.

Subject to above, the Writ Petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, W.P.M.Ps., if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM, J

March 21, 2017
KTL

