

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.8529 AND 35164 OF 2012

COMMON ORDER:

Since the subject matter and the petitioner in both the writ petitions is one and the same, the writ petitions are being disposed of by this common order.

W.P. No.8529 of 2012 is filed challenging the Memo in F.No.R4/ 12/ Rent/ KNL/ 2005/ DM, dated 13.01.2012, issued by the respondents 1 and 4, as illegal and arbitrary.

W.P. No.35164 of 2012 is filed to declare the action of the respondents in not issuing dispatch permits to the petitioner for transportation of the mineral extracted from the mining lease granted in respect of an extent of Acs.1.78 cents in sy.No.288/ 1, Ac.1.06 cents in Sy.No.288/ 3, Ac.3.00 cents in Sy.No.293 of Palkur village, Banaganapali Mandal, Kurnool District, as illegal and arbitrary.

Heard and perused the material available on record.

When the matters are taken up for hearing, learned Government Pleader for Mines & Geology submitted that they are intending to cancel the lease in favour of the petitioner, but in view of pendency of the writ petitions, no cancellation order was passed and further in view of the letter given by Wakf Board, dispatch permits are not given to the petitioner.

Admittedly, the lease of the petitioner expires on 16.08.2017. Considering the facts and circumstances of the case, this Court is of the

view that the writ petitions can be disposed of with the following directions:

The petitioner is directed to prefer an application for grant of fresh lease for the said land before the authorities concerned, and on such application being filed, the authority concerned is directed to consider the same and pass appropriate orders, after issuance of notice to all the parties. Insofar as the permits are concerned, the petitioner is directed to prefer an application before the concerned authority, and on such application being filed, the authority concerned shall consider the same.

With the above directions, both the writ petitions are disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

August 10, 2017
KTL

RAJA ELANGO, J

