

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.26127 of 2011

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 5th respondent in not sending the report along with NOC directly to the 2nd respondent about the classification and availability of land applied by the petitioner in Sy.No.291/3, to an extent of 1.000 Hectar in Ethuva Village of Punganur Mandal, Chittoor District, as illegal and arbitrary.

The case of the petitioner is that he applied for grant of quarry lease for Black Granite in an extent of Ac.1.000 Hectar in Sy.No.291/3 in Ethuva Village of Punganur Mandal, Chittoor District. The application was acknowledged by the 2nd respondent and the 2nd respondent vide letter, dated 10.08.2011, requested the 5th respondent to send his report within 30 days as per the G.O.Ms. No.181, Industries & Commerce (Mines-I) Department, dated 28.05.2011, with regard to classification and availability of the land applied for grant of quarry lease. But, the 5th respondent informed the petitioner that he will send the report and NOC to the 4th respondent through the 3rd respondent, and not to the 2nd respondent directly, which is contrary to G.O.Ms.No.181.

The respondents have not filed any counter.

Heard and perused the material available on record.

The grievance of the petitioner is that even though he applied for grant of mining lease in respect of the subject land, in the year 2011, the respondents have not passed any orders so far.

This Court perused the records and also G.O.Ms.No.181, dated 28.05.1998. It is evident from the said G.O. that when any application is received for grant of mining lease, the Assistant Director of Mines & Geology shall acknowledge receipt of the same, fix a date for inspection and send one set of application to the Mandal Revenue Officer concerned to report on the category of the land and availability of the land for grant of prospecting licence/ mining lease or quarry. The MRO will send his report to the Assistant Director of Mines & Geology within a period of 30 days duly marking a copy of his report to the District Collector and the reports of the MRO need not be routed through the intermediate level of Revenue Divisional Officer/ Sub-Collector. On receipt of the report, the Assistant Director of Mines & Geology send the same to the Director of Mines & Geology and the Director of Mines & Geology pass orders either to grant lease or make recommendations to the State Government depending upon the delegation of powers, within the period of 30 days.

Therefore, necessarily the application of the petitioner has to be disposed of by the authorities in accordance with the conditions imposed in G.O.Ms.No.181. The petitioner made application long back on 10.08.2011 and the same is pending with the authorities. The respondents have not filed any counter. In view of the same, this Court is inclined to pass the following order:

If the application of the petitioner is pending before the authorities, the authorities concerned are directed dispose of the same by following conditions imposed in G.O.Ms.No.181, dated 28.05.1998, as expeditiously as possible.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions, pending if any, shall stand closed.

RAJA ELANGO, J

September 12, 2017
KTL

