

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17253 of 2017

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of the 3rd respondent in not taking steps to conduct enquiry into the complaint filed by the petitioners, dated 03.04.2017, to cancel the mining lease of the 5th respondent to the extent of Ac.3.10 guntas in Survey No.252 at Machupally Village, Kodair Mandal, Nagarkurnool District, owned and possessed by the petitioners and in not taking steps to stop the 5th respondent from encroaching upon the land of the petitioners for the purpose of conducting mining operations thereon pending enquiry into the complaint of the petitioners, as illegal, unlawful, contrary to law and against the Rule 22 (h) of Mineral and Concession Rules, 1960, and consequently direct the 3rd respondent to conduct enquiry into the complaint of the petitioners to cancel the mining lease of the 5th respondent in so far as the above land of the petitioners and pending such enquiry, the 5th respondent shall not be permitted to conduct any mining operations upon the land of the petitioners.

2. Heard both sides and perused the material available on record. With the consent of both the learned counsel, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioners is that the 5th respondent said to have obtained mining lease by including the land of the petitioners admeasuring Ac.3.10 guntas in Survey No.252 without their consent and that the 5th respondent tried to dump the

machinery into the land of the petitioners for conducting mining operation. The petitioners filed complaint before respondents 3 & 4 on 03.04.2017 seeking for cancellation of mining lease of the 5th respondent and not to permit the 5th respondent to conduct any mining operations over the land of the petitioners. It is further case of the petitioners that on 06.05.2017 at about 11.00 a.m., the 5th respondent tried to encroach upon the land of the petitioners for conducting mining operations in pursuant to his mining lease. The main grievance of the petitioners is that the petitioners have submitted a complaint, dated 03.04.2017, to respondents 3 & 4, but so far, no action is taken by respondents 3 & 4 on the said complaint and the same is pending.

4. When the matter is taken up for hearing, learned counsel for the petitioners informed that a direction may be given to the respondent authorities to consider the complaint, dated 03.04.2017, for cancellation of the mining lease of the 5th respondent in the land, which is owned and possessed by the petitioners to the extent of Ac.3.10 guntas in Survey No.252 at Machupally Village, Kodair Mandal, Nagarkurnool District.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioners, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondent authorities to consider the complaint made by the petitioners, dated 03.04.2017, and pass appropriate orders, as expeditiously as possible, in accordance with law, after giving an opportunity of hearing to both the petitioner as well as the 5th respondent. There shall be no

order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 22nd June, 2017

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