FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4769/2017
(PRAVIN ISHWARBHAI PATEL **VERSUS** STATE OF MAHARASHTRA & OTHERS)
WITH
WRIT PETITION NO. 5482/2017
(MADHUKAR DAYARAM RAUT **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders

Court's or Judge's orders

Shri P.S. Wathore, counsel for the petitioner.
Shri B.M. Lonare, counsel for the respondents.

CORAM : SMT. VASANTI A NAIK AND MRS. SWAPNA JOSHI, JJ.

DATE : FEBRUARY 28, 2018.

Since the issue involved in these writ petitions is identical and similar prayers are made therein, they are heard together and are decided by this common order.

By these writ petitions, the petitioners seek a direction against the respondents to frame the guidelines or policy for allotment of mining leases in respect of minor minerals. The petitioners seek a direction against the respondents to renew the mining leases of the petitioners for a further period of three years.

According to the petitioners, mining leases were granted in favour of the petitioners with a view to operate the stone crushers from the year 1998 and 2001 and the period of last such renewed lease was to expire in July-2017. It is stated that though the petitioners sought for the renewal of the leases for a period of three years by making an application well within time, the leases-licneses issued in favour of the petitioners are not renewed. It is stated that a communication is issued by the State Government to all the Divisional Commissioners and Collectors in the State of Maharashtra that mining leases cannot be granted except by means

of auction in view of the provisions of the Mines and Minerals (Development and Regulation) Amendment Act, 2015. It is stated that though the State Government has directed the Divisional Commissioners and the Collectors to take action for grant of mining leases by auction, the respondents have not taken any such steps.

The respondent nos.3 and 4 have filed an affidavit-in-reply in Writ Petition No.4769 of 2017. It is stated therein that due to the amendment to the Act, the application of the petitioner for renewal of a mining lease was not considered. It is stated that in view of the provisions of Section 11(5) of the amended Act, the mining leases could be granted only through auction. It is stated that e-auctions would be conducted for grant of mining leases. It is stated that the State Government is framing a policy providing for the guidelines for allotment of mining leases in respect of minor minerals on the lines, as directed by the Hon'ble Supreme Court. It is stated that in view of the aforesaid, the petitions are liable to be dismissed.

We are not inclined to grant the prayers made by the petitioners in the instant petition. The State Government is in the process of framing the guidelines and the policy for allotment of mining leases in respect of minor minerals. The mining leases of the petitioners had expired just recently. In view of the amended provisions of the Act of 1957, the petitioners cannot claim the renewal of the mining leases. It appears that as per the amended provisions of Section 11(5), it would be necessary to grant the mining leases in respect of minor minerals only by auction. It is clearly stated in the affidavit-in-reply filed on behalf of the respondents that the policy for granting leases in respect of minor minerals is under consideration of the State government and e-auctions would be conducted for grant of mining leases. Merely

because the petitioners were granted mining lease on the earlier occasion and they were entitled to make an application for renewal of mining lease as per the provisions that were then in existence, the petitioners cannot claim the renewal of their mining lease. By accepting the statement made in the affidavit-in-reply filed on behalf of the respondent nos.3 and 4 that the State Government is considering the framing of policy/guidelines in respect of grant of lease for minor minerals in view of the amended provisions of the Act, the petitions are liable to be disposed of.

Hence, we dispose of the writ petitions with no order as to costs.

JUDGE **JUDGE**

APTE