

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.1053 of 2018

ORDER:

Heard both sides and perused the material on record.

2. The prayer in the writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that the Hon’ble Court may be pleased to issue WRIT OF MANDAMUS or any other appropriate Writ or Writs, Order or Orders declaring the proceedings of the Assistant Director of Mines and Geology in proceedings Lr.No.3868/M.II/1999 dated 09.11.2017, directing the petitioner to stop quarrying operations in the leased area in over an extent of Acres 5-00 in Survey No.184/1 of Medipally Village, Yakaram Mandal, R.R.District operations conducted in pursuant to the grant of quarry lease by the respondent No.1 through the respondent No.2 in proceedings No.34067/R2-1/1999 dated 08.09.2017 as arbitrary, illegal, unjust, unconstitutional, without jurisdiction, in violation of principles of natural justice, Mines and Minerals (Development & Regulation) Act, 1957 and Telangana State Minor Mineral Concession Rules, 1966, consequently call for records and set aside the same and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. Undisputedly, from the proceedings No.34067/R2-1/1999, dated 08.09.2017, of the Director of Mines and Geology, as pointed out by the learned Government Pleader particularly from underneath para 8 note reads that the grant is liable for cancellation should it be found that it was grossly inequitable or was made under a mistake of fact or owing to mis-representation or fraud or in excess of authority.

4. The main impugment is that the Assistant Director is not competent but for Director of Mines if at all, leave about other contention of the area falling within area allocated to TSIIC is something different from the area covered by the mining lease granted for Ac.5.00 in question in Survey No.184 out of the total extent of Medipally Village.

5. Having regard to the above, by cancelling the show-cause notice issued by the Assistant Director of Mines by letter No.3868/M.II/1999, dated 09.11.2017, of the direction to stop quarrying operations in the leased area over Ac.5-00 in Sy.No.184/1 of Medipally village and insisting to obtain no objection certificate from TSIIC, remedy is left open to the Director of Mines, if at all such a certificate is necessary to direct so to obtain and if at all any direction not to operate the quarry mining in the meantime, the Director is competent to proceed.

6. With these observations, the writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

18th January 2018

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Dr. B. SIVA SANKARA RAO, J