

WRIT PETITION No.2343 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of Respondent No.2 in not passing orders, granting quarry lease for black granite on the application dated 07.12.2005 in over an extent of 1.52 hectares in Sy.No.950 of Akkampet village, Atmakur Mandal, Warangal district, as arbitrary, illegal, unjust and unconstitutional, in violation of Mines and Minerals (Development & Regulation) Act 1957 and Telangana State Minor Mineral Concession Rules 2015 and pass such other order or orders as this Hon'ble court deems fit and proper”

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology appearing for the respondents and perused the prayer in the writ petition with supporting affidavit, other material on record and the written instructions received by the learned Government Pleader.

3. It is the submission of the learned counsel for the petitioner that the quarry lease of M/s. Crescent Granites was expired by 28.03.2014 itself and there was no any renewal, leave about the said lease for non-payment of the amount as determined by proceedings of the Director of Mines dated 11.07.2015 and keeping pending of the petitioner's application without disposal is unjust.

4. Whereas, it is the submission from the written instructions of the learned Government Pleader that against the proceedings of the Director of Mines in determination of the lease of

M/s. Crescent Granites, revision is filed pending the writ petition and the petitioner herein filed the implead petition to implead it as one of the respondents therein and the Department is going to be decided the same on own merits.

5. Having regard to the above, leave about the contention of the petitioner is entitled to consideration of its application and the Crescent Granites is not entitled for renewal, as not applied after expiry of the lease period on 28.03.2014, irrespective of the earlier determination of the lease by 11.07.2005, the respondents are directed to dispose of the application of the petitioner, preferably, within a period of six weeks from the date of receipt of copy of this order. If the petitioner to the revision is not getting ready, it will not come in the way for hearing and disposal of the representation supra of the petitioner, though, otherwise the respondents can dispose of the revision and the representation either simultaneously or together within the aforesaid statutory time.

6. With the above directions and observations, this Writ Petition is disposed of.

7. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 29.01.2018
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