

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.5384 of 2013

ORDER:

This writ petition is filed seeking a direction to the 1st respondent to consider the representation dated 18.2.2013 and to give an opportunity to the petitioners before granting mining lease to the 3rd respondent.

The case of the petitioners is that the petitioners along with others are the owners and possessors of agriculture land situated at Mallempally village, Sy.No.354/1, which was purchased vide registered sale deed dated 23.6.2011; the 3rd respondent made an application for mining lease for extracting laterite mineral in Sy.Nos.61, 62 and 354/1 of Mallempally; the 2nd respondent/Assistant Director of Mines and Geology vide letter dated 13.7.2012 submitted a report to the 1st respondent/Director of Mines and Geology asking him to consider the case of the 3rd respondent for grant of mining lease; the petitioners raised commercial crops like cotton and mirchi; the petitioners made a complaint to the 1st respondent on 18.2.2013 asserting their rights; the 3rd respondent procured one agreement of sale from one K.Odelu, G.Kumar and A.Kumaraiah dated 15.11.2007 and got it validated and except this document, the 3rd respondent has no other documents in his favour; if the petitioners are given an opportunity, they will produce the registered documents and also the revenue records.

Counter affidavit has been filed by the Assistant Director of Mines and Geology stating that the Sub Divisional Magistrate & Revenue Divisional Officer, Mulug, vide proceedings No.F/1376/2011 dated 15.7.2011 submitted that the provisions of sub-section 2 of Section 147

Cr.P.C. have been applied; basing on the no objection report from the Tahsildar, Mulugu Mandal and the Sub-Divisional Magistrate & Revenue Divisional Officer, Mulug, proposals for grant of mining lease were submitted to the Director of Mines and Geology on 13.7.2012; the Director, in turn, has submitted proposals to the Government and the same are pending.

Heard the learned counsel for the petitioners and the learned Government Pleader for respondents 1 and 2.

The case of the petitioners is that they are the owners of the subject land and they submitted representation on 18.2.2013 to the 1st respondent/Director of Mines and Geology requesting to return the file relating to grant of license to the 3rd respondent and the said representation is not yet disposed of by the Director till now. They further submit that without disposing of the said representation, respondents 1 and 2 are processing the application of the 3rd respondent.

In view of the above facts and circumstance of the case, the Writ Petition is disposed of directing the 1st respondent to consider the representation filed by the petitioners on 18.2.2013 and dispose of the same, in accordance with law, after giving opportunity to the petitioners and the 3rd respondent. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 27/11/2018

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