

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.19967 of 2018

ORDER:

Heard learned Counsel for the petitioners and the learned Government Pleader for Mines and Geology for the respondents.

2. The alleged inaction on the part of the respondents No.3 to 6 in completing the process of finalization of the request of the petitioner for grant of quarry lease in respect of the land in Sy.No.1 of Raghavapuram village, Nandigama Mandal, Kurnool District is under challenge in the present Writ Petition.

3. According to the petitioners, they submitted applications for grant of mining lease in respect of the above survey number. It is further stated that in response to the notice, dated 03.04.2018, informing that survey would be conducted on 17.04.2018, the petitioners went to the subject land but the respondents did not conduct any survey. It is also averred in the writ affidavit that the respondent-mining authorities informed them that the 6th respondent did not send any NOC in terms of G.O.Ms.No.107. According to the learned Counsel for the petitioners, the said inaction on the part of the 6th respondent-Tahasildar is contrary to the instructions of the State Government vide G.O.Ms.No.107, Industries & Commerce (Mines-II) Department, dated 30.07.2016.

4. From the reading of the said Governmental Order, it would be very much obvious that the government issued the said instructions with an intention to expedite the disposal of the Mineral Concession applications. As per paragraph 6(i) of the

said Governmental Order, it is incumbent on the part of the Assistant Director of Mines and Geology that after receipt of the application, to fix date for inspection and survey & demarcation of the area applied for and to send one set of application to the Tahsildar concerned to report on the category of the land and availability of the land for grant of Leases. It is also clear from the said Governmental Order that the Tahsildar will have to send his report to the Assistant Director of Mines & Geology within 30 days duly marking a copy of his report to the District Collector and the said report need not be routed through the intermediate level of the Revenue Divisional Officer/Sub-Collector. In the instant case, obviously the reason for delay in processing the application is the inaction on the part of the Tahsildar in issuing the NOC in terms of G.O.Ms.No.107, Industries & Commerce (Mines-II) Department, dated 30.07.2016. In the considered opinion of this Court, the Tahsildar is required to decide about the availability of the subject land after conducting necessary survey and cannot keep the issue pending.

5. In view of the above reasons, the Writ Petition is disposed of, directing the respondents to process the applications of the petitioners herein and finalize the same, strictly in accordance with law and the instructions of the State Government vide G.O.Ms.No.107, Industries & Commerce (Mines-II) Department, dated 30.07.2016, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

Date: 06.07.2018
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