

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.2920 of 2015

Order:

This Writ Petition is filed to declare the action of the respondents 1 to 10 in not initiating any action against the respondents 11 to 22 in digging the petitioners land admeasuring Ac.50.14 gts., situated in Survey Nos.294, 338 and 339 of Kandukur village and Mandal, Ranga Reddy District, and exporting yellow granite and white marble stones without paying any cess or taxes to the Government and without there being any valid permission, as illegal and arbitrary.

When the matter is taken up for hearing today, learned Assistant Government Pleader for Mines and Geology has passed on a brief note prepared by the Assistant Director of Mines and Geology, Ranga Reddy district, wherein it is stated that the Government granted three mining leases for Quartz and Feldspar for various extents in Kandukur village and Mandal, Ranga Reddy District. It is stated that so far as Survey Nos.338/A and 339/2 of Kandukur village and Mandal are concerned, an extent of Ac.13-00 was given to M/s. Sibelco India Minerals Private Limited for the period from 21.07.2009 to 20.07.2029. So far as Survey Nos.338 and 339 are concerned an extent of Ac.5-00 was given to Smt. L.S. Geetha from 27.12.1997 to 26.12.2017 and the said lease period has already expired. So far as Survey No.338 is concerned an extent of Ac.5-00 was given to Smt. M. Saroja from 09.02.1995 to 08.02.2015 and as the said period has expired, M. Saroja filed an application seeking renewal and the same is under process. It is also stated that at the time of grant of mining lease, the Mandal Revenue Officer, Kandukur vide letter dated 16.09.2005 informed that M/s. Shri Vijaya Gimpex Mining Private Limited

purchased the land admeasuring Ac.4-29 gts., in Survey No.283, Ac.11.23 gts., in Survey Nos.338/A and Ac.6.31 gts., in Survey No.339/2 i.e., totally admeasuring Ac.23.09 gts., situated at Kandukur village and recommended for grant of mining lease in favour of Vijaya Gimpex mining Private Limited. Subsequently, the name of M/s. Vijaya Gimpex Mining Private limited was changed to M/s. Sibelco India Minerals Private Limited. As per the record Smt. M. Saroja held surface rights over the leased area. It is further stated that there is no mining activity in Survey No.294. It is further stated that no illegal quarrying operations are noticed other than the leased area.

A perusal of the said brief note submitted by the Assistant Director of Mines and Geology, Ranga Reddy district, shows that no illegal quarrying operations are noticed in any area other than the leased area and as per the report of the Mandal Revenue Officer dated 16.09.2005 M/s. Shri Vijaya Gimpex Mining Private Limited purchased the land in Survey Nos.283, 338/A and 339/2 and that M. Saroja has got surface rights over the leased area in Survey No.338. It is also categorically stated that no mining activity is carried out in Survey No.294.

In that view of the matter, the Writ Petition is disposed of giving liberty to the petitioners to file fresh representation before the authorities concerned, if their land is dug and if they are so advised, by enclosing all the necessary documents showing their title to the land in question and on filing such representation the authorities concerned shall take appropriate action in accordance with law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

Date: 22.11.2018
Nsr



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