

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.20217 of 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology for the respondents.

2. Order of the Director of Mines and Geology, Hyderabad/the second respondent herein vide Proceedings No.1130/R2-1/2016-3, dated 11.05.2017 is under challenge in the present writ petition.

3. Petitioner herein submitted an application for grant of mining lease for Latrite over an extent of 8.000 hectares in Sy.No.273 of Madanapalli Village, Puduru Mandal, Rangareddy District. The Director of Mines and Geology/the second respondent herein issued show cause notice dated baring No.1130/R2-1/2016-3 dated 18.03.2017, calling upon the petitioner herein to show-cause as to why the said application of the petitioner herein should not be rejected under Rule 12 (5) (d) of A.P. Minor Mineral Concession Rules, 1966 while pointing out the following:

“Through the reference 2nd cited, the Asst. Director of Mines & Geology, Vikarabad has submitted rejection proposals in respect of above application on the ground tht the applicant has attend to survey and inspector and shown the applied area, which is computed less than the applied extent. Further the Dy Collector/Tahsildar, Pudur Mandal, Vide his Lr.No.B/999/20112 dt: 13.12.2012 reported that it may not be possible to consider the request applicant, as there is a case pending in the Hon'ble High Court. Further the District Collector, Vikarabad Vide Lr.No.E/27/2016, dt: 25.10.2016 informed that it is not advisable to allot the land which is not in compact for the mining purpose.”

4. In response to the said show-cause notice, the petitioner herein on 01.04.2017 submitted an explanation. Thereafter, the Director Mines and

Geology, vide Proceedings No.1130/R2-1/2016-3, dated 11.05.2017 rejected the quarry lease application of the petitioner herein under Rule 12 (5) (d) of TSMMC Rules. The sum and substance of the case of the petitioner in the present writ petition as advocated by the learned counsel for the petitioner is that the impugned order came to be passed on the grounds other than the grounds mentioned in the show-cause notice for which a reply was submitted by the petitioner herein. It is further submitted by the learned counsel that the said course of action adopted by the Director of Mines and Geology is highly illegal, arbitrary and cannot be sustained in the eye of law. The Director of Mines and Geology assigned the following four reasons for rejecting the application of the petitioner herein:

- “1. The applicant was not able to show the applied area on the ground. It shows the casualness of the applicant.
2. The Revenue Department was not inclined to issue NOC for the applied area of the applicant.
3. The applicant insisting for processing of his applicant based on the NOC's received on the subsequent applicant even though the applied area is very less against the applied area of his applicant. It demonstrates the intention of the applicant for blocking the area.

Further, the applicant filed the applicant for QL directly, even though the area was not prospected earlier and being a virgin area. There is a PL applicant was received over the subject area and as per rules the PL applicant will have the merit over the direct grant of QL applicant. Hence, the applicant filed by the applicant deserves no consideration.”

5. A perusal of the show-cause notice dated 18.03.2017 in clear and vivid term reveals that the reasons now mentioned in the impugned order dated 11.05.2017 do not find place in the show-cause notice dated 18.03.2017 and the Director of Mines and Geology grossly erred in issuing the impugned order on the grounds other than the ground mentioned in

the show-cause notice. On this ground alone the impugned order cannot sustained and is liable to be set aside.

6. Accordingly, the writ petition is allowed, setting aside the Proceedings No.1130/R2-1/2016-3, dated 11.05.2017 of the Director of Mines and Geology, Hyderabad/the second respondent herein and further it is open for the respondents herein to issue a show-cause notice and take further action after giving opportunity to the petitioner herein for filing explanation. Till the said exercise attains finality, the interim order granted on 09.07.2018 shall continue. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date:30.07.2018
grk



A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.20217of 2017

Dated: 30.07.2018

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