

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B.RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT**

WRIT APPEAL No.1455 of 2018

JUDGMENT : (ORAL) *(Per Hon'ble The Chief Justice)*

Heard Mr. Vedula Venkata Ramana, learned Senior Counsel for appellant/writ petitioner in this intra Court/letters patent appeal challenging the order, by which, the learned Single Judge refused to grant an order in the nature of prohibition from proceeding further in execution of Mission Bhagiratha Project in the area in question. We have also heard the learned Assistant Solicitor General and the learned Special Government Pleader for the State of Telangana.

2. Going by the submissions of the learned Senior Counsel for the appellant/writ petitioner on the basis of materials on record, it is noted that proceedings under the Mines and Minerals (Development and Regulation) Act, 1957 and the Minerals (Other than Atomic and Hydro Carbon Energy Mineral Concession) Rules, 2016 (hereinafter referred to as 'Act' and 'Rules' respectively) gained the attention of the competent authority in the Central Government in terms of that Act and those Rules. The appellant had filed that revision challenging the refusal of the Statutory authority to grant him permit for mining in furtherance of a lease application for permission to

mine iron ore over 124.189 hectares in Boddugonda village of Mahabubabad District.

3. The sum and substance of the controversy appears to be that the application for mining lease and licence as made by the writ petitioner/appellant was pending for consideration for some time and that related back to the days of composite State of Andhra Pradesh before the A.P. Re-organisation Act of 2014. Be that as it may, the State of Telangana ultimately took the stand that the said land is required for the purpose of Mission Bhagiratha Project for construction of a Ground Level Balancing Reservoir. The application for license was accordingly rejected giving priority for providing potable water to Four Lakh people over and above the need to extract iron ore. The Revision carried by the appellant, under the Act, as noted above, stands dismissed.

4. We have gone through the contents of the revisional order as well as the contents of the impugned interlocutory order, which contain reasons for issuance of both of them. Be that as it may, we refrain ourselves from expressing further on the merits of the matter having regard to the fact that the writ petition challenging the dismissal of the revision is pending before the learned Single Judge and the official respondents are yet to place their counter on record in that writ petition. Nonetheless, we see that the impugned

interlocutory order has been rendered by the learned Single Judge stating reasons thereby evidencing fair application of mind on the facts and to the circumstances of the case. We are, therefore, of the view that the interlocutory order issued by the learned Single Judge does not warrant interference at the hands of this Court through an intra Court/letters patent appeal.

5. To our query, the learned Special Government Pleader appearing for the State of Telangana has submitted that the pleadings of the official respondents of the State Government will be on record before the learned Single Judge within a period of two weeks from now. We record that submission and direct that the pleadings shall be placed within the said time frame. If the Central Government authorities are desirous of placing pleadings on record, let that be also done within a period of two weeks from today, which would enable the learned Single Judge to consider the request for expeditious disposal of the writ petition.

6. In the result, this writ appeal is dismissed, leaving the petitioner/appellant with liberty to move the learned Single Judge with a request for early disposal of the writ petition immediately on filing the pleadings as indicated above and also after the petitioner places on record any further pleadings, if it desires to do so. We clarify that we have not spoken anything on the merits of the rival

contentions and all issues will stand open. If a request for early disposal is made by the petitioner before the learned Single Judge, we are sure that it would be sympathetically considered.

7. Writ appeal is accordingly dismissed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

8th November, 2018

ajr

