

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35715 of 2017

ORDER:

Heard Mr.Nagi Reddy for writ petitioners, learned Government Pleader for respondents 2 to 4, the Assistant Government Pleader for respondents 5 to 8 and Mr.K.S.Murthy for 8th respondent.

The petitioners complain against inaction in disposing of the representations dated 04.09.2017, 08.09.2017 and 09.10.2017 and also not canceling the mining lease granted in favour of the 8th respondent vide Proceedings No.5782/Q5/2016 dated 19.06.2017, as illegal, arbitrary and unconstitutional.

The counsel appearing for the parties have made a few submissions on merits of respective cases pleaded by their clients.

After taking note of the writ prayer, this Court is of the view that the present writ petition cannot be converted into a substantive writ challenging the proceedings dated 19.06.2017 in favour of 8th respondent.

Firstly, the aggrieved person has substantial remedies against the grant of mining lease in favour a person and secondly when a prayer is against inaction, this Court ought not to explain the ambit of situation. Hence, apropos to the order dated 19.06.2017 and with the consent of the counsel appearing for the parties, the writ petition is disposed of by this order:

- “1. The statement of learned Government Pleader for Industries, that the report submitted by the Assistant Director of Mines and Geology/4th respondent is not comprehensive, is placed on record and accepted.
2. The Government Pleader requests time to conduct survey as directed by this Court vide order 19.12.2017 within four (04) weeks from the date of receipt of this order. The request is accepted.
3. The petitioners or 8th respondent are given liberty to place copy of the order issued to 4th respondent for survey in accordance with law and demarcation of area covered by lease in favour of 8th respondent and the neighbouring land. The copy of report of survey is to be forwarded to petitioners as well as 8th respondent. The 4th respondent basing on the survey reports looks into the grievance of petitioners and disposes of the representations

dated 04.09.2017, 08.09.2017 and 09.10.2017 within four (04) weeks thereafter and communicates his decision to both the parties. No order as to costs.”

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 04.04.2018
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