

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 41762 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not disposing of the representation, dated 22.09.2016, to issue fresh memo in lieu of earlier Memo No.9477/MI(1), dated 03.06.2009, taking into consideration the letter of the fourth respondent vide No.5 (65)/ 2009/ Hyd., dated 12.01.2010, relating to non-feasibility of mining in the applied area, as arbitrary and un-justified.

2) The averments in the affidavit filed in support of the writ petition would show that the petitioner was granted mining lease for limestone over an extent of 4.935 hectares in Sy.Nos. 397, 400 and 402 of Madhavaram Village, Peapully Mandal, Kurnool District, for a period of two years, vide proceedings dated 03.06.2009, subject to obtaining approval of plan from the fourth respondent, within a period of six months from the date of receipt of the said Memo. The petitioner approached the fourth respondent for approval of draft plan and the fourth respondent vide letter Reference No. 5 (65)/ 2009/ Hyd., dated 12.10.2010, returned the draft plan, as it was not feasible in the proposed area. On 07.05.2010, the petitioner represented before the fourth respondent to re-examine the draft plan once again. The petitioner also represented to the fourth respondent vide his

letters dated 05.03.2017, 27.03.2012 and 06.06.2014. While things stood thus, the first respondent issued a show-cause vide Memo.9477/MIII(1)/2008 dated 23.09.2015, under Rule 26 (1) of Mineral Concession Rules, 1960, to show cause as to why the Memo, dated 03.06.2009 cannot be withdrawn within 15 days of the receipt of the said Memo. The petitioner made representations on 01.10.2015 and 22.09.2016, requesting the authorities to issue a fresh memo in lieu of earlier memo dated 03.06.2009. The grievance of the petitioner appears to be that though he made representations on 02.10.2015 and 22.09.2016, till date no orders are passed. Hence, the writ petition.

3) Learned Government Pleader for Mines and Geology, on instructions states that the case on hand falls under Section 10 (A) (2) (c) of the amended M.M.D.R. Act, 2015 and hence, no mining lease can be granted beyond 11.01.2017, as they are ab-initio void under Section 19 of the Act.

4) Though various grounds are raised, learned counsel for the petitioner would submit that a direction may be given to the authorities to deal with his representation dated 22.09.2016 at the earliest.

5) Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing the respondent-authorities to deal with the representation dated 22.09.2016, if it is still pending and pass orders in accordance with law, as early

as possible, by taking into consideration the objections raised by the respondents.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

06.12.2018
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