

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOs.25722 & 25794 OF 2019

Date: 22.11.2019

W.P.No.25722 of 2019 :

Between:

M/s.Great India Mining (P) Ltd.,
Having its office at 8-2-703/6/A or 63,
Road No.12, Banjara Hills, Hyderabad,
500 034 T.S.,
Rep., by its Manager Sri G.Shiva Kumar Goud,
S/o.G.Samba, Aged about 39 yrs.

.....Petitioner

And

The State of Telangana,
Rep., by the Secretary (Mines) Industries and Commerce
Department, Secretariat Building,
Secretariat, Hyderabad 500 029, T.S. & others.

.....Respondents

The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOS.25722 & 25794 OF 2019

COMMON ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Mines & Geology for respondents 1 to 4.

2. These two writ petitions are filed by the same petitioner. In W.P.No.25722 of 2019, petitioner challenges the proceedings dated 07.06.2019 of Deputy Director of Mines & Geology, whereunder the application for grant of quarry lease for rough stone and metal over an extent of Acs.70-00 in Sy.No.210 of Madharam Village, Jinnaram Mandal of Sangareddy district, for a period of 15 years was rejected.

3. In W.P.No.25794 of 2019 petitioner is challenging the proceedings dated 27.10.2017 of the Deputy Director of Mines & Geology, whereunder, the application for grant of quarry lease for building stone and road metal, over an extent of Acs.54-00 in Sy.No.210 of Madharam Village, Jinnaram Mandal, Sanga Reddy district, was granted in favour of 5th respondent.

4. Several grounds are urged by learned counsel for the petitioner in support of the writ petitioner contending that rejection of application of petitioner in W.P.No.25722 of 2019 and grant of licence to 5th respondent in W.P.No.25794 of 2019 is erroneous and deliberately the application of the petitioner is rejected on false grounds, though the field area applied by the petitioner and 5th respondent is same, and that the application of the petitioner was earlier in point of time. This appears to be second round of litigation. In the earlier round of litigation, petitioner ultimately succeeded before the Government,

whereunder the Government allowed the revision setting aside the proceedings dated 12.2.2009 and directed to process the application for grant of quarry lease over land to an extent of Ac.30-00 on merits.

5. Against the decision of Deputy Director of Mines & Geology, petitioner has remedy of appeal before the Director of Mines & Geology, under Rule 35 of the Telangana Minor Mineral Concession Rules, 1966 (for short 'the Rules'). The appellate authority is competent to go into all the issues including the issue of overlapping of the area, conducting of survey etc. Since petitioner has an effective and efficacious remedy of appeal, where all contentions can be urged, this Court is not inclined to entertain the writ petition.

6. Therefore, granting liberty to the petitioner to avail the remedy of appeal under Rule 35 of the Rules, and to raise all pleas as available in law, including the contentions urged in these writ petitions, the Writ Petitions are dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

22nd November, 2019
Rds