HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 15402 OF 2020

Between:

M/s. SALEEM METAL INDUSTRIES, Rep. by its Prop. Mohd. Haroon Ansari, S/o Late Mohd Farooq Ansari, Aged 64 Years, Occ. Nill, R/o H.No.8-1-361/36, Deluxe Colony, Besides Galaxy Theatre, Toli Chowki, Hyderabad -500 008.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Hyderabad, T.S.
2. The Principal Secretary, Industries and Commerce Government of Telangana , Secretariat Building Hyderabad, T.S.
3. Telangana State Mining Development Corporation Ltd., Rep. by its Vice Chairman cum Manigng director Rera Block (HMWSSB Premises) Khairatabad, Hyderabad, 500 004.
4. The Director of Mines and Geology, H.No.5-922, Flat No. 203 and 204, 2nd Floor, My Home Sarovar Plaza, Adarsh Nagar, Secretariat Road, Hyderabad, 500 063.
5. The Collector, Ranga Reddy Disrtict, Rangareddy , TS.
6. The Thasildar, Yacharam Mandal, Rangareddy District, TS.
7. The Asst. Director of Mines and Geology, Department of Mines and Geology, Rangareddy District, TS.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS directing the Respondents 3, 4, 5, and 7 to handover the physical possession of land to petitioner in Sy.No.155/1 in Chinnaraviryala village Hayath Nagar Mandal, Rangareddy District, as handed over to petitioner in W.P. No.31239 of 2012 dated 05/12/2013 and consequently award damages and cost.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to initiate contempt proceedings against R-1 to R-7 for the intentional violation of the Hon'ble Supreme Court Order passed in Civil Appeal No.1909-1910/2000, 1911-1912/200 and 1913-1914/2000 dated 12/12/2003 and for illegal demolition of the petitioner stone crushing unit without any notice or information or following the due process of law and award heavy damages and cost for the intentional prolonged delay and denial of justice inspite of framing Rehabilitation Scheme from 2008.

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to seek a detail report from respondents 1 to 7 for the prolong delay and denial of justice inspite of framing a rehabilition scheme framed in 2008 in respect of 9 Kokapet rehabilition allottees with in a week.

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct R-1, R-5 and R-7 to submit a detail report, as to how many stone crushing units were demolished and how many stone crushing units are still working in the mining zone of Kokapet and surrounding areas.

Counsel for the Petitioner: SRI. MOHAMMED ABDUL QADER

Counsel for the Respondent Nos.1, 5 & 6: AGP FOR REVENUE

Counsel for the Respondent No.2: GP FOR INDUSTRIES & COMMERCE

Counsel for the Respondent Nos.4 & 7: GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.3: GP FOR MINES & GEOLOGY FOR SC FOR TSMDC

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.15402 of 2020

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

> **"...to issue an appropriate Writ, order or direction more particularly one in the nature of "WRIT OF MANDAMUS" directing the Respondent Nos.3, 4, 5 and 7 to handover the physical possession of land to petitioner in Sy.No.155/1 in Chinnaraviryala village, Hayath Nagar Mandal, Rangareddy District, as handed over to petitioner in W.P.No.31239 of 2012 dated 05/12/2013 and consequently award damages and cost and pass such other order or orders..."**

2. Heard the arguments of learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for respondent Nos.1, 5 and 6, learned Government Pleader for Industries and Commerce, appearing for respondent No.2, learned Government Pleader for Mines and Geology appearing for respondent Nos.4 and 7 and also representing respondent No.3-TSMDC and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner was granted quarry lease for Metal and Stone in the land admeasuring Ac.5.00 gts in Sy.No.239 situated at Kokapet Village, Rajendranagar Mandal, Ranga Reddy District, from 30.12.1996 to 29.12.2016 but the said lease was cancelled in the interest of public vide proceedings No.317/Q-I(1) 07-1 dated 11.09.2007, without issuing any notice to the petitioner. Thereafter, the Government allotted the subject land to Hyderabad Urban Development Authority (HUDA) for setting up Special Economic Zone (SEZ) for IT and ITES Industries. On the several representations made by all the effected

persons, the Government issued Memo No.132325/M.11(1) 2008-1 Industries and Commerce (M-11) Department dated 01.10.2008, directing the Director of Mines and Geology, to sublease the Yacharam Mining Zone lands admeasuring Ac.662.16 gts in Sy.Nos.105, 121, 126, 132 and 200 and also Ac.137.00gts in Sy.No.146 situated at Yacharam Village and Mandal, Ranga Reddy District, to all the effected persons including the petitioner herein. It is submitted that the other displaced person-Shaik Quadeer, filed Writ Petition No.31239 of 2012 before this Court, wherein this Court vide order dated 05.12.2013 was pleased to direct the respondents therein to complete all formalities and handover possession of land admeasuring Ac.7.20gts in Sy.No.155/1, situated at Chinnaraviryala Village, Hayathnagar Mandal, Ranga Reddy District, to the petitioner therein within one month from thereon. Relying on the aforesaid order dated 05.12.2013, the petitioner herein submitted a representation dated 19.12.2019 before the respondent No.4-Director of Mines and Geology, seeking allotment of alternative land in Sy.No.155/1 of Chinnaraviryala Village, Bandaraviryala Village, Abdullapurpet Mandal, to him and other Kokapet rehabilitation allottees. Thereafter, the respondent No.7-Assistant Director of Mines and Geology, Ranga Reddy District, vide letter No.3483/M/1998 dated 12.03.2020 informed the respondent No.4 that as per the Government orders, respondent No.3-TSMDC Ltd, has already allotted quarry leases to the petitioner and others in Yacaharam Village and Mandal, Ranga Reddy District and hence, the respondent No.3 has to take further action for handing over possession of quarry lease to the petitioner and others. It is submitted that the respondents are insisting the petitioner to obtain

similar order as in W.P.No.31239 of 2012 and ultimately, prayed to grant the relief as indicated above.

4. On the other hand, learned Government Pleader for Mines and Geology filed counter affidavit of the respondent No.3-Telangana State Mining Development Corporation Limited (TSMDC) and submitted that the petitioner being displaced miner at Kokapet had been identified as the eligible person for grant of sub-lease of 10 hectares of land and the Government issued Memo dated 01.10.2008 with certain conditions, which have to be complied by the petitioner and others before execution of sub-lease. As the petitioner did not comply those conditions for grant of sub-lease, the erstwhile APMDC issued Notice dated 26.05.2009 vide Ref.No. APMDC/RM/Yacharam/HYT/09/516 to the petitioner requesting to pay the amounts, failing which, necessary action would be taken including cancellation of sub-lease. Thereafter, the petitioner submitted explanation on 15.06.2009 requesting to extend six months time to pay the amounts. Again, the APMDC addressed letters dated 22.07.2009 and 27.08.2009 to the petitioner requesting him to pay the amounts finally, on or before 09.09.2009 but till date the petitioner has not complied with those conditions. It is vehemently contended that the petitioner having failed to respond to the letters issued by the erstwhile APMDC, cannot now seek intervention of this Hon'ble Court after a period of more than a decade. It is also contended that the petitioner cannot seek shelter of the order dated 05.12.2013 passed by this Court in W.P.No.31239 of 2012 as he failed to comply the required

formalities for grant of sub-lease and ultimately prayed to dismiss the writ petition.

5. Learned Assistant Government Pleader for Revenue appearing for respondent Nos.1, 5 and 6 adopted the arguments advanced by the learned Government Pleader for Mines and Geology and submitted that the revenue authorities have nothing to do with the subject land and ultimately prayed to dismiss the writ petition.

6. The petitioner sought the relief of Writ of Mandamus directing the respondent Nos.3, 4, 5 and 7 to handover physical possession of the land to petitioner in Sy.No.155/1 in Chinnaraviryala village, Hayath Nagar Mandal, Rangareddy District, as handed over to the petitioner in W.P.No.31239 of 2012 dated 05.12.2013, failing which sought damages.

7. As per the material placed on record, the petitioner was granted quarry lease for Metal and Stone in the land admeasuring Ac.5.00 gts in Sy.No.239 situated at Kokapet Village, Rajendranagar Mandal, Ranga Reddy District, for the period between 30.12.1996 to 29.12.2016. The said lease was cancelled in view of public interest vide proceedings No.317/Q-I(1) 07-1 dated 11.09.2007. When a request was made by the petitioner, the Government issued Memo No.132325/M.11(1)2008 Industries and Commerce (M-11) Department dated 01.10.2008 stating that erstwhile APMDC Ltd., allotted 10 hectares of land each to the petitioner and other displaced miners at Kokapet, on certain conditions. The petitioner along with other displaced miners was called upon to comply those conditions. As the petitioner herein, did not comply those conditions

for grant of sub-lease, the erstwhile APMDC issued Notice dated 26.05.2009 vide Ref.No.APMDC/RM/Yacharam/HYT/09/516 to the petitioner calling upon him to pay the amounts, failing to deposit the amount as called for, it was stated that "necessary action would be taken including cancellation of sub-lease". There is also record to show that the petitioner submitted explanation on 15.06.2009 requesting to extend six months time to pay the amounts mentioned in Memo dated 01.10.2008. So the APMDC addressed letters dated 22.07.2009 and 27.08.2009 to the petitioner calling upon him to pay the amounts on or before 09.09.2009. The petitioner had not paid the amounts as called for and complied the conditions. Having failed to deposit the amounts as called for, the petitioner in this writ petition, sought the relief as was granted to the petitioner in Writ Petition No.31239 of 2012 vide order dated 05.12.2013. It is pertinent to state that the relief of lease of Metal and Stone quarry, was granted to the petitioner in Writ Petition No.31239 of 2012 on 05.12.2013. The petitioner herein approached this Court after lapse of more than Seven(7) years therefrom. Moreover, he did not avail the opportunity of sub-lease of 10 hectares of land proposed to be granted vide Memo dated 01.10.2008 on certain conditions. The petitioner herein cannot be equated with the petitioner in Writ Petition No.31239 of 2012. He is differently placed. In the last Seven(7) years, so many changes have come up. The circumstances which were prevalent in the year 2013 with regard to availability of quarry do not exist today. So the petitioner cannot seek as a right the relief granted in Writ Petition No.31239 of 2012 vide order dated 05.12.2013. There is no infringement of any fundamental right of the petitioner or denial of lawful entitlement of the petitioner to get

quarry lease for Metal and Stone. Furthermore, there is no vested right in favour of the petitioner to seek any relief as prayed for. None of the circumstances narrated in this writ petition merits consideration. Under these circumstances, the Writ Petition is devoid of merits and is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/- I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Mohammed Abdul Qader, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP for Industries and Commerce Department, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CCs to GP for Mines and Geology, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to Standing Counsel for Telangana State Mining Development Corporation Ltd. [OPUC]
6. Two CD Copies

CHR

HIGH COURT

DATED:08/12/2020



ORDER

W.P.No.15402 of 2020

DISMISSING THE WRIT PETITION
WITHOUT COSTS

(10) VLV
14/12/20