

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1031 WRIT PETITION NO.12043 OF 2021

KESHAV BHAUSAHEB KALE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Mr. D.S. Bagul
AGP for Respondents 1 to 5 : Mr. A.R. Kale
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 23/11/2021.

PER COURT :

. The petitioner assails the Government Resolution dated 1st June 2021 and also assails the order passed by the respondent No. 3, thereby not considering the application for extension of lease of quarry of minor mineral extraction.

2. It appears that the petitioner is granted permission/lease i.e. quarry lease for minor mineral extraction for the period of five years i.e. till 10th October, 2021. During the period of said lease, the petitioner had to undergo torrid time because of the Covid-19 pandemic. The State Government issued resolution directing the Collectors to grant extension to all the necessary permissions. Subsequently, on 1st June 2021 the extension is permitted for a period

of one year subject to adherence to the conditions enumerated in the Government Resolution dated 1st June 2021. The petitioner claims to have submitted an application on 27th August 2021 to grant extension of mining lease for the period of one year. The second application was made on 21st September 2021 seeking extension of quarry lease for the period of one year. The respondent No. 3 rejected the application dated 27th August 2021 and further directed the petitioner to apply for renewal under Form G in pursuant to the Rules of 2013.

3. Mr. Bagul, learned counsel submits that the petitioner has paid the royalty without extracting the minor minerals, hence, extension be granted.

4. The learned counsel submits that the petitioner would apply for necessary clearances, however, during the meantime permission be granted for short term permit as per Rule 59 of Maharashtra Minor Mineral Extraction (Development and Regulation) Rules 2013. According to the learned counsel, the mining plan even if applied is not prepared for a longer period.

5. Mr. Kale, learned AGP submits that if the petitioner applies for the mining plan, the same would be decided within seven days. The petitioner is required to adhere the conditions as enumerated in

the Government Resolution dated 1st June 2021.

6. We have considered the submissions.

7. The Government Resolution dated 1st June 2021 clarifies that if within a period of two years from the date of enforcement of the Government Resolution dated 1st June 2021, the mining license would come to an end, then the said period of two years is extended by one more year, subject to the concerned obtaining environmental clearances, mining plan and other permissions.

8. The petitioner's mining lease came to an end on 10th October 2021. As per the Government Resolution dated 1st June 2021 the petitioner would be entitled for extension of one year upon satisfying the conditions enumerated in said Government Resolution.

9. The petitioner may apply for mining plan. The same shall be considered and decision shall be taken upon it within seven days as accepted by the respondent. The petitioner may apply for environmental clearances, mining plan and other permissions as required pursuant to the Government Resolution dated 1st June 2021.

10. The learned counsel submits that the petitioner has already applied under Rule 59 for short term permit on 14.10.2021. It

is submitted by Mr. Bagul that the said application of the petitioner was forwarded by Tahsildar to Collector on the same day, however, it appears that no decision has been taken. The learned counsel submits that in respect of granting permission under Rule 59, the permission is granted only for transporting stones. The petitioner may apply afresh under Rule 59. The Tahsildar on receipt of the application of the petitioner shall take decision upon the said application as per Rule 59 of Maharashtra Minor Mineral Extraction (Development and Regulation) Rules, 2013, preferably within 15 days.

11. With the aforesaid observations and directions, writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/