

HON'BLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.35860 of 2022

ORDER:

Heard Smt.N. Shoba, learned counsel appearing for the petitioner and learned Government Pleader appearing for Mines and Geology.

2. This writ petition is filed to declare the action of respondents in not passing orders granting quarry lease for Fullers Earth (White) on the application dated 11-05-2019 on Assigned Patta Land in over an extent of Ac.1-04 gts., in Sy.No.84 (Assigned Patta Land), Marepally Village, Peddamul Mandal, Vikarabad district, as arbitrary and illegal and for a consequential direction to the respondents to pass appropriate orders granting quarry lease on the application dated 11-05-2019 on assigned lands belongs to the petitioner herein.

3. The petitioner herein is claiming that he is absolute owner and possessor of land admeasuring Ac.1-04 gts., in Sy.No.84 (Assigned Patta Land), Marepally Village,

Peddumul Mandal, Vikarabad district. He has submitted an application on 11-05-2019 seeking grant of quarry lease for Fullers Earth (White) mineral on the said land. Despite receiving and acknowledging the said application, respondent No.3 failed to consider the same, therefore, the present writ petition.

4. Referring to G.O.Ms.No.26 dated 31-03-2022, Smt.N.Shobha, learned counsel appearing for the petitioner would submit that the said G.O. is not applicable to Assigned Patta Lands. Vide the said G.O. itself, Rule 7 of Telangana Minor Mineral Concession Rules, 1966 is amended to the effect that procedure for grant of Minor Mineral Concessions in Assigned Patta Lands shall be prescribed by the State Government. All the applications for minor minerals received prior to the date of commencement of these amendments to Telangana Minor Mineral Concession Rules, 1966, shall become ineligible.

5. However, learned Government Pleader for Mines and Geology, on instructions, would submit that as on today respondent No.1 has not prescribed the procedure for grant of Minor Mineral Concession Rules in respect of Assigned Patta Lands. According to him, it will take one month time. However, according to him, till the said procedure is prescribed, application of the petitioner, which is prior to the commencement of the said rules become ineligible.

6. Whereas, Smt.N.Shobha, learned counsel appearing for the petitioner would submit that despite receiving and acknowledging the above said application, dated 11-05-2019 3rd respondent did not act upon it.

7. In view of the aforesaid discussion, this writ petition is disposed of directing the 3rd respondent to consider the application dated 11-05-2019 submitted by the petitioner and pass appropriate orders, in accordance with law, within a period of four (4) weeks from the date of receipt

of a copy of this order. Respondent No.3 shall particularly consider the amendments to Telangana Minor Mineral Concession Rules, 1966 issued vide G.O.Ms.No.26 dated 31-03-2022. Respondent No.3 shall communicate the copy of the said order to the petitioner herein. There shall be no order as to costs.

8. As a sequel, the miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

September 15, 2022

PN/BB

K. LAKSHMAN, J

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