

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

MONDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 27929 OF 2025

Between:

Kummari Kashanna, S/o.Tayappa, Aged about 43 years, R/o.H.No.
1-6-42/32/A, Baba Colony, Narayanpet, Narayanpet District.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Industries and Commerce Department, Secretariat Buildings, Hyderabad.
2. Director of Mines and Geology, Hyderabad.
3. Deputy Director of Mines and Geology, Hyderabad.
4. Assistant Director of Mines and Geology, , Narayanpet, Narayanpet District.

...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 a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering the quarry lease application dt. 18-03-2020 filed by the petitioner herein over an extent of 4.80 hectares in Sy.no.255 of Bommanpad Village, Narayanpet Mandal and District is wholly illegal, arbitrary and violative of Articles 14 and 19 of the Constitution of India and consequently declare that the Petitioner is entitled for consideration of his quarry lease application dt. 18-03-2020 for grant of quarry lease

IA NO: 1 OF 2025

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 the Respondents to consider the application of the petitioner for grant of quarry lease and further direct the respondents to maintain status quo over an extent of 4.80 hectares in Sy.no.255 of Bommanpad Village, Narayanpet Mandal & District till the application for grant of quarry lease is considered by the Respondent authorities

Counsel for the Petitioner: SRI. KIRTHI TEJA KONDAVEETI

Counsel for the Respondents: GP FOR INDUSTRIES COMMERCE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE N.V.SHRAVAN KUMAR

Writ Petition No.27929 of 2025

This writ petition is filed seeking the following prayer:

“...declaring the action of the Respondents in not considering the quarry lease application dt.18.03.2020 filed by the petitioner herein over an extent of 4-80 hectares in Sy.No.255 of Bommanpad Village, Narayanpet Mandal and District is wholly illegal, arbitrary and violative of Articles 14 and 19 of the Constitution of India and consequently declare that the Petitioner is entitled for consideration of his quarry lease application dt.18.03.2020 for grant of quarry lease...”

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Industries appearing on behalf of respondents. With their consent, this writ petition is taken up for disposal.

3. The facts of the case in brief as stated are that on 18.03.2020, the petitioner submitted a lease application for Stone and Metal with an extent of 4-80 hectares in Sy.No.255 of Bommanapad Village, Narayanpet Mandal

and District. On receipt of the said application, the Assistant Director of Mines and Geology, Narayanpet referred petitioner's application to the Tahsildar, Narayanpet Mandal requesting to furnish report along with sketch of the demarcated area on the classification and availability of land *vide* his letter dated 19.03.2020. The Tahsildar, after enquiry submitted his report through Lr.No.B/884/2020 dated 01.07.2020 holding that the said area is Government land and there is no habitation within 2 KMs from main road and as such submitted his No Objection to accord permission for grant of quarry lease. However, the Assistant Director has not proceeded with the quarry application of the petitioner. Accordingly, petitioner personally approached respondent authorities requesting them to complete survey and demarcation. After repeated persuasions and requests, the Assistant Director of Mines and Geology completed survey of subject land of petitioner, however, grant of quarry license to the petitioner was held up without any valid reason. In the meantime, the Government through G.O.Ms.No.26 Industries and Commerce Department dated 31.03.2022 amended the

Telangana Minor Mineral Concession Rules, 1966. As per the amended Rule 12 sub-rule (1) is as follows:

“The Minor Mineral Concession except ordinary sand and areas reserved under Rule 9-A shall be granted through auction. The procedure for grant of Minor Mineral Concession in Government lands through auction and the procedure for grant of Minor Mineral Concessions in patta lands shall be prescribed by the State Government. All applications for minor minerals received prior to the date of commencement of these amendments to Telangana Minor Mineral Concessions Rules, 1966, shall become ineligible.”

4. It is submitted that the said order will come into effect from 01.04.2022 onwards. The main grievance of the petitioner is that though it is specifically stated that the amended rule is applicable from 01.04.2022, however the respondent authorities did not process the quarry application of the petitioner dated 18.03.2020. In that regard, petitioner made a representation on 06.06.2023 to the respondent authorities and requested to grant quarry lease license at the earliest. Since, no action is forthcoming till date, the present writ petition is filed.

5. Learned Assistant Government Pleader for Mines and Geology placed a copy of instructions issued by Assistant Director of Mines and Geology and while reiterating the facts of the case would submit that petitioner has become ineligible for grant of quarry lease as per G.O.Ms.No.26 dated 31.03.2022.

6. However, the instructions of the Assistant Director of Mines and Geology is silent as to how the petitioner is ineligible for grant of quarry lease, when the Tahsildar, Narayanpet Mandal has given No Objection for grant of quarry lease on 01.07.2020 and when the petitioner's application is dated 18.03.2020.

7. Learned Assistant Government Pleader submits that after the date of issuance of No Objection from the Tahsildar, the Central Government imposed COVID restrictions and moreover in terms of G.O.Ms.No.26 dated 31.03.2022, the applications were filed before the commencement of amended rule as such is ineligible.

8. Heard learned counsel on either side and perused the record.

9. In the instructions, it is silent as to what is the time period prescribed from the date of filing of report granting no objection from Tahsildar till the date of considering the application. In that view of the matter, this writ petition is disposed of with a direction to respondent authorities to consider the application of the petitioner dated 18.03.2020 and pass a reasoned order within a period of three (3) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/- A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Industries and Commerce Department, Secretariat Buildings, T.S., Hyderabad.
2. The Director of Mines and Geology, Hyderabad.
3. The Deputy Director of Mines and Geology, Hyderabad.
4. Assistant Director of Mines and Geology, , Narayanpet, Narayanpet District.
5. One CC to SRI. KIRTHI TEJA KONDAVEETI, Advocate [OPUC]
6. Two CCs to GP FOR INDUSTRIES COMMERCE, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies
B M
PVL

[Handwritten signature]

HIGH COURT

DATED:22/10/2025

ORDER

WP.No.27929 of 2025



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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Asu
6/11/25