



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3458]**

**FRIDAY, THE NINETEENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

**THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**

**WRIT PETITION NO: 16869 OF 2025**

**Between:**

1.MR. JANA KRISHNA MOHAN,, W/O SESHIAIAH, AGED ABOUT 61 YEARS, PLOT NO 29, AVK ESTATES GROUND FLOOR, DYCUS ROAD, NELLORE, ANDHRA KESARI NAGAR SPSR NELLORE DISTRICT - 524004.

**...PETITIONER**

**AND**

1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, MINES AND GEOLOGY DEPARTMENT. SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT.

2.THE DIRECTOR, DEPARTMENT OF MINES AND GEOLOGY, SRI ANJANEYA TOWERS, D NO. 7-104, BLOCK - D, 5TH AND 6TH FLOOR, IBRAHIMPATNAM, VIJAYAWADA - 521456 ANDHRA PRADESH

3.THE ASST DIRECTOR, DEPARTMENT OF MINES AND GEOLOGY, NELLORE, SPSR NELLORE.

4.UNION OF INDIA, REP BY ITS SECRETARY, MINISTRY OF MINES, SHASTRI BHAVAN, NEW DELHI. R4 IS IMPEADED AS PER THE COURT'S ORDER DT.21.07.2025 IN I.A.NO.02 OF 2025.

**...RESPONDENT(S):**

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 may be pleased to Issue a writ, order or direction, particularly a Writ of Mandamus, declaring the inaction and unexplained delay of the Respondents in processing and granting the Petitioners mining lease application as illegal, arbitrary, and unconstitutional, and consequently aforementioned direct the Respondents to forthwith grant and execute a

mining lease in favor of the Petitioner in terms of the Government Memo No. 15610/M.I(2)/2008 dated 04.06.2010. The mining lease sought is for Mica, Quartz, Feldspar, and Vermiculite minerals, over an extent of 10.70 Acres in Sy. Nos. 193 and 200/2 of Utukuru Village, Sydapuram Mandal, SPSR Nellore District, Andhra Pradesh, for a period of 20 years, and the Respondents may be directed to execute and register the said lease without any further delay, in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (as amended) and the conditions stipulated in the Government Memo/LOI and Pass such

**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

**IA NO: 2 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 Pleaded to implead the proposed respondent as respondent No.4 in W.P.No. 16869 of 2025 and in all interlocutory applications and pass

**IA NO: 3 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 pleased to pass an order of interim direction restraining the Respondents from entertaining or granting any mining lease, license, or permission to any third party/person in respect of the subject land measuring 10.70 Acres in Survey Nos. 193 and 200/2 of Utukuru Village, Sydapuram Mandal, SPSR Nellore District, pending disposal of the Writ Petition and pass

**Counsel for the Petitioner:**

1.V.RAVINDHAR

**Counsel for the Respondent(S):**

1.DEPUTY SOLICITOR GENERAL OF INDIA

2.GP FOR MINES AND GEOLOGY

**THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA****WRIT PETITION NO: 16869 OF 2025****The Court made the following order:**

Heard Sri V.Ravindhar, learned counsel for the petitioner, Smt. Sudeepthi Potluri, learned Assistant Government Pleader for Mines and Geology appearing for the respondent Nos.1 to 3 and Sri G.Arun Showri, learned counsel for impleaded respondent No.4.

2. The writ petition is filed challenging the inaction of the respondents in processing and granting the mining lease application of the petitioner over an extent of Ac.10.70 cents in Sy.Nos.193 and 200/2 of Utukuru Village, Sydapuram Mandal, SPSR Nellore District.

3. It is stated that the petitioner filed an application for the grant of a mining lease for Mica, Quartz, Feldspar, and Vermiculite in respect of the subject land. In pursuance thereof, the petitioner submitted a No Objection Certificate (NOC) issued by the Mandal Revenue Officer (MRO), consenting to the grant of a mining lease over the said land.

4. Consequently, a Letter of Intent (LOI) was issued by the 1<sup>st</sup> respondent vide proceedings dated 04.06.2010, subject to the fulfillment of certain conditions within six (06) months. One such condition required the petitioner to obtain necessary certifications from the Andhra Pradesh Pollution Control Board (APPCB), including the Consent for Establishment (CFE). In

compliance with the LOI, the petitioner submitted a draft mining plan on 05.10.2010 for approval.

5. It is further contended that the 2<sup>nd</sup> respondent, vide proceedings dated 31.12.2010 and 13.06.2011, granted extensions of time to the petitioner for submission of the approved mining plan for a period of six (06) months respectively. However, the Indian Bureau of Mines (IBM) rejected the mining plan vide proceedings dated 01.04.2011, on the ground that the LOI did not include the minerals "Mica" and "Vermiculite."

6. In response, the petitioner got a revised mining plan including all four minerals and obtained the Approved Mining Plan (AMP) from Indian Bureau of Mines (IBM) vide proceedings dated 02.12.2011. The petitioner also obtained the Consent for Establishment (CFE) from the APPCB vide proceedings dated 13.06.2012.

7. It is contended that although the petitioner had complied with all the necessary conditions under the LOI, submission of the AMP and CFE, the respondents failed to issue final proceedings for grant of the mining lease.

8. It is further submitted that during the interregnum, the Mines and Minerals (Development and Regulation) Amendment Act, 2015 (hereinafter referred to as 'the MMDR Act') came into effect on 12.01.2015. As per the provisions of Section 10A(2)(c) of the Act, where a Letter of Intent (LOI) for a mining lease was issued before 12.01.2015, the lease "*shall be granted*" if the conditions stipulated in the LOI were fulfilled within two (2) years from the

commencement of the Amendment i.e., on or before 11.01.2017. Being aggrieved by the inaction on the part of the respondents in not following the provisions of Section 10A(2)(c) of the Act and issuing mining lease the petitioner approached this Court by way of the present writ petition.

9. Learned counsel appearing for the petitioner contends that the provisions of Section 10A(2)(c) of the Mines and Minerals (Development and Regulation) Act, 1957 are mandatory provisions and the petitioner's case would squarely fall within the ambit of the said provisions. It is submitted that the petitioner had complied with all the conditions of the Letter of Intent (LOI), within the prescribed time. Therefore, in terms of Section 10A(2)(c) of the Act the respondents were obligated to grant the quarry lease to the petitioner. However, despite such compliance, no final orders have been passed.

10. It is contended that the petitioner has made several representations since 2012. It is further submitted that the 2<sup>nd</sup> respondent, vide proceedings dated 25.07.2019, called for a report from the 3<sup>rd</sup> respondent. However, no such report was submitted by the 3<sup>rd</sup> respondent.

11. Learned counsel has placed before the Court a copy of the proceedings issued by the Andhra Pradesh Pollution Control Board (APPCB) dated 13.06.2012, granting the Consent for Establishment (CFE). He further relies on the Notification issued by the Ministry of Mines, Order No.S.O.27(E) dated 04.01.2017, issued under Section 24(1) of The Mines and Minerals (Development and Regulation) Removal of Difficulties Order, 2017, which

clarifies the applicability of Section 10A(2)(c) in cases where the conditions of the LOI have been fulfilled. It is relevant to extract the relevant portion of the Order, which reads as follows:

*1. Short title and commencement.-(1) This order maybe called the Mines and Minerals (Development and Regulation) Removal of Difficulties Order, 2017.*

*(2) It shall come into force on the date of its publication in the Official Gazette.*

*2. Environmental Clearance.- Notwithstanding anything contained in clause (c) of sub-section (2) of Section 10-A of the Miens and Minerals (Development and Regulation) Amendment Act, 2015 (10 of 2015), it is clarified that where the condition of obtaining environmental clearance has not been complied with by the applicant on or before 11<sup>th</sup> January, 2017, but all other conditions specified in previous approval or the letter of intent have been fulfilled, the applications shall be considered under that section and mining lease shall be granted by the concerned State Governments in accordance with the notifications issued under the Environment (Protection) Act, 1986 (29 of 1986):*

*Provided that no mining activity shall commence unless and until the applicant obtains environmental clearance as laid down under the Environment (Protection) Act, 1986 and the rules made there under.*

12. Learned counsel for the petitioner submits that a direction may be issued to the respondents to pass appropriate orders in terms of the above notification issued by the Ministry of Mines.

13. The 3<sup>rd</sup> respondent filed a counter-affidavit stating that the 1<sup>st</sup> respondent, vide proceedings dated 04.06.2010, issued a Letter of Intent (LOI) directing the petitioner to furnish the Approved Mining Plan (AMP) and Consent for Establishment (CFE) within a period of six (06) months. However, the petitioner did not submit the same within the stipulated time. The period was subsequently extended on two occasions. Despite these extensions, the petitioner sought further time for compliance through a representation dated 21.05.2011.

14. Accordingly, the time period was extended till 04.12.2011. However, even after the grant of extensions, the petitioner did not submit all the required statutory clearances within the extended time.

15. It is further contended that the Indian Bureau of Mines (IBM), which is the competent authority to approve the mining plan, approved the AMP on 07.12.2011, and the same was submitted by the petitioner to the 2<sup>nd</sup> respondent on 09.12.2011. The petitioner did not submit the CFE issued by the Andhra Pradesh Pollution Control Board (APPCB) within the stipulated or extended period.

16. The counter-affidavit further referring to the provisions of Section 10A(2)(c) of the Mines and Minerals (Development and Regulation) Act, 1957, it is contended that LOI conditions were not complied with within two (2) years i.e., by 11.01.2017 from the commencement of the Amendment Act.

17. The 2<sup>nd</sup> respondent further states that the petitioner did not submit the required statutory clearances within six (6) months of the LOI and also failed to submit them within the extended period, which was granted up to 04.12.2011. Therefore, the provisions of Section 10A(2)(c) of the Act are not applicable to the case of the petitioner.

18. It is thus stated that since the petitioner did not comply with the LOI conditions within the prescribed period, the application became redundant. Further, in light of the amendment made to Section 10A of the Act, as amended in 2021, stipulates that all pending applications shall lapse on the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021. Accordingly, the petitioner cannot claim the benefit of Section 10A(2)(c) of the Act and is not entitled to any relief under the said provision.

19. Smt. Sudeepthi Potluri, the learned Assistant Government Pleader for Mines and Geology, appearing for respondent Nos. 1 to 3, submits that the extended period expired on 04.12.2011; thereafter, no extension was sought or granted. She further argues that the 2<sup>nd</sup> and 3<sup>rd</sup> respondents have no authority to extend the time more than twice. The petitioner did not submit the Consent for Establishment (CFE) and Consent for Operation (CFO) within the time. Since the conditions of the Letter of Intent (LOI) were not complied with within the stipulated time, the petitioner is not entitled to the relief.



20. Having regard to the submissions advanced, and having regard to the fact that the petitioner has approached the department through representations and in that connection a report was called for by the Director of Mines and Geology from the Assistant Director of Mines and Geology, Nellore, however nothing has been heard from the said Assistant Director. Therefore, this Court deems it appropriate to dispose of the writ petition with a direction to the respondents to verify and dispose of the application of the petitioner in terms of the provisions of The Mines and Minerals (Development and Regulation) Removal of Difficulties Order, 2017, issued by Ministry of Mines, Government of India, vide Order No.S.O.27(E), dated 04.01.2017, within a period of three months from the date of receipt of a copy of this order.

21. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

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**JUSTICE KIRANMAYEE MANDAVA**

Date: 19.09.2025  
BSK

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**THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**

**WRIT PETITION NO: 16869 OF 2025**

Date: 19.09.2025  
BSK