
(2011) 04 AHC CK 0493
In the Allahabad High Court
Case No : C.M.W.P. No. 22229 of 2011

Nisha Devi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 19-04-2011

Acts Referred:

Uttar Pradesh Minerals (Prevention of Illegal Mining, Transportation and Storage)
Rules, 2002 — Rule 8

Citation : (2011) 6 AWC 6520 : (2011) 1 EFLT 474

Hon'ble Judges : Satya Poot Mehrotra, J; Rajesh Chandra, J

Bench : Division Bench

Judgement

1. The present writ petition has been filed by the Petitioner seeking the following reliefs:

(I) to issue a writ, order or direction in the nature of mandamus directing and commanding the Respondent No. 2 to decide the application of Petitioner for grant of License for Storage of Minerals (Annexure No. 1 to the Writ Petition) within some specific period to be fixed by this Hon''ble Court.

(II) to issue any other suitable writ, order or direction which this Hon''ble Court may deem fit and proper in the facts and circumstances of the case, and

(III) to award cost of this petition to the humble Petitioner throughout.

2. As per the averments made in the writ petition, the Petitioner made an application dated 12.8.2010 under Rule 8 of the U.P. Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2002 for grant of License for Storage of Minerals as mentioned in the said application. Copy of the said application along-with copies of the Consent Letter and the Receipt regarding deposit, has been filed as Annexure No. 1 to the writ petition.

3. It is, inter alia, averred in the writ petition that the said Application dated 12.8.2010 was submitted before the Collector, Mirzapur (respondent No. 2). A

perusal of the endorsement of receipt made on the said application (Annexure No. 1 to the Writ Petition) shows that the application was received by the concerned official on 30.8.2010.

4. As nothing was being done in respect of the said application, the Petitioner sent reminder dated 9.3.2011 (Annexure No. 2 to the Writ Petition) to the Collector, Mirzapur (respondent No. 2). However, nothing has so far been done in respect of the said application.

5. In the circumstances, the Petitioner has filed the present writ petition seeking the reliefs as mentioned above. We have heard Sri Akash Khare, Learned Counsel for the Petitioner and the learned Standing Counsel appearing for the Respondent Nos. 1, 2 and 3, and perused the record.

6. Having regard to facts and circumstances of the case we are of the opinion that the interest of justice would be sub-served, in case, the writ petition is disposed of by directing the Collector, Mirzapur (respondent No. 2) to pass appropriate orders in respect of the said application submitted by the Petitioner within specified period, if the said application is still pending before the Collector, Mirzapur (respondent No. 2).

7. We accordingly dispose of the writ petition with the direction that in case, the said application dated 12.8.2010 submitted by the Petitioner, has not already been disposed of by the Collector, Mirzapur (respondent No. 2), the Collector, Mirzapur (respondent No. 2) will pass appropriate orders in respect of the said application in accordance with Law expeditiously, preferably within two months from the date, the Petitioner submits a certified copy of this Order along with copy of the said application before the Collector, Mirzapur (respondent No. 2).

8. It is made clear that we have not adjudicated upon the claim of the Petitioner on merits.