
(2010) 12 UK CK 0203
In the Uttarakhand High Court
Case No : Writ Petition No. 2086 of 2010

Shahnawaz and Another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Uttaranchal Minor Minerals Concession Rules, 2001 — Rule 9

Citation : (2010) 12 UK CK 0203

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Heard Smt. Beena Pandey, Advocate for the Petitioners and Mr. P.C. Bisht, learned Brief Holder on behalf of the Respondents.

2. By means of this petition the Petitioners have sought the following relief-

To issue a writ, order or direction in the nature of mandamus commanding the opposite parties to decide the application so submitted by the Petitioners as well as other applicants in respect of grant of mining lease of area of khand Nos. 300, 301, 302, 303, 304 and 305 area measuring 2.048 hectares, situate in Village Bishanpur Jharda Mustahkam, Tehsil and District Haridwar strictly in accordance with Rule 9 of the Uttarakhand Minor Mineral Concession Rules, 2001 without being influenced by the letters of politicians which have been sent from time to time, or in the alternative, to summon the record of applications received in respect of grant of mining lease of area of Khan Nos. 300, 301, 302, 303, 304 and 305 area measuring 2.048 hectares, situate in Village Bishanpur Jharda Mustahkam, Tehsil and District Haridwar and examine the same and direct any other officer other than opposite party No. 3 to determine preferential rights strictly in accordance with law, i.e. Rule 9 of the Uttarakhand Minor Mineral Concession Rules, 2001.

3. The grievance of the Petitioners is that they had applied for grant of mining lease of the area of Khan Nos. 300, 301, 302, 303, 304 and 305 area measuring

2.048 hectares, situate in village Bishanpur Jharda Mustahkam, Tehsil and District Haridwar in pursuance of notification dated 28-09-2010. Other persons also applied for the lease. The application of the Petitioners was received on the first day itself and the same was complete in all respects therefore, as per Rule 9 of Uttarakhand Minor Mineral Concession Rules, 2001 the preferential rights exist in favour of the Petitioners for grant of mining lease of the area in question. But on the basis of letter issued by politicians, Respondents No. 3 is going ahead in determining preference in favour of Subhash Chandra Kothari, Sunil Kumar and Rajendra Kumar. The Petitioners have submitted that the Respondents be directed to decide the application submitted by the Petitioners by a reasoned and speaking order. Prayer made is innocuous.

4. The Respondent No. 3, District Magistrate, Haridwar is directed to decide the application of the Petitioners (annexure No. 2 to the writ petition) by a reasoned and speaking order, preferably within a period of eight weeks from the date of production of certified copy of this order, in accordance with law/G.O.

5. With the above direction the writ petition is disposed of finally.