

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.7308 OF 2011

DATED 24th JUNE, 2015

Between:

Akula Satyanarayana

.. Petitioner

and

State of AP., rep. by Secretary (Mines & Geology)
and others

.. Respondents

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ORDER

The grievance of the petitioner in this case was that the mining authorities had instructed the Sub-Registrar, Rajanagaram, Rajahmundry Rural, East Godavari District, not to entertain any documents for registration in respect of certain lands of Palacherla Village, Hamlet of Diwancheruvu, Rajanagaram Mandal, Rajahmundry Rural, East Godavari District, on the ground that mineral revenue dues were to be cleared by the petitioner.

Learned Assistant Government Pleader for Mines and Geology, states that the petitioner paid the normal seigniorage fee which was claimed by the mining authorities on 04.02.2011 and the penalty sought to be imposed upon him was waived by the Government of Andhra Pradesh under Memo dated 03.09.2011 upon the revision filed by the petitioner. He therefore states that no amount is due and liable to be paid by the petitioner and that the impugned communication dated 27.11.2010 addressed by the Assistant Director of Mines and Geology, Rajahmundry, to the Sub-Registrar, Rajanagaram Mandal, East Godavari District, therefore does not need to be acted upon.

This Court is of the opinion that the action resorted to by the mining authorities for recovering the alleged mineral revenue dues from the petitioner was completely without the sanction of law. Section 25 of the Mines and Minerals (Development and Regulation) Act, 1957, provides the methodology to recover such mineral dues and it is not open to the mining authorities to take recourse to a mode unknown to law for recovering such dues. In any event, as the impugned letter ceased to be

effective in the light of the subsequent developments, this Court does not propose to pass any strictures in this regard.

The writ petition is accordingly allowed setting aside the letter dated 27.11.2010 addressed by the Assistant Director of Mines and Geology, Rajahmundry, to the Sub-Registrar, Rajahmundry, East Godavari District. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

24th JUNE, 2015
PGS