

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.20435 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue Writ of Mandamus to declare the action of the Assistant Director of Mines and Geology in proceedings No.4819/Vg/2008, dated 30-03-2009 raising demand and the action of the 1st respondent in Memo No.2968/M.1(1)/ 2013, dated 11-05-2015 directing to deposit normal seigniorage fee and one time penalty and the consequential order of the ADMG notice No.191/Vg/2010, dated 27-05-2015 as arbitrary, illegal, unjust, unconstitutional and in violation of Mines and Minerals (Development & Regulation) Act 1957 and A.P. Minor Mineral Concession Rules, 1966 and consequently call for records in the above proceedings and set aside the same.”

Heard Smt. N. Shoba, learned counsel for the petitioner and learned Government Pleader for Mines and Geology for respondents, apart from perusing the material available before this Court.

Followed by a show cause notice, the Assistant Director of Mines and Geology, Eluru, West Godavari District – 3rd respondent herein vide Lr.No.4819/Vg/2008, dated 30-03-2009 requested the petitioner herein to pay an amount of Rs.37,69,794/- , which includes normal seigniorage fee of Rs.6,28,299/- and 5 items penalty of Rs.31,41,495/-.

Subsequently, Assistant Director of Mines and Geology – 3rd respondent herein issued a Dstraint Order, dated 29-12-2012 under Section 8 of the A.P. Revenue Recovery Act, 1864.

Calling in question the validity and legal sustainability of the said demand and the distraint order issued by the 3rd respondent herein, the petitioner herein preferred revision before the 1st respondent – State Government under the provisions of Rule 35 of the A.P. Minor Mineral Concession Rules, 1966.

The 1st respondent – State Government by virtue of Memo No.2968/M.I(1)/2013, dated 11-05-2015 disposed of the said revision filed by the petitioner by directing the petitioner to pay one time penalty together with the normal seigniorage fee. Aggrieved by the said order passed by the 1st respondent – State Government the present writ petition has been filed.

The copy of the memorandum of grounds of revision, dated 15-12-2013 filed by the petitioner herein before the 1st respondent – State Government is placed on record wherein the petitioner raised a number of grounds. A perusal of the impugned memo, dated 11-05-2015 makes it manifestly evident that the revisional authority did not consider any one of the grounds raised by the petitioner herein while passing the impugned order.

It is settled and well established proposition of law that the orders of the quasi-judicial authority should necessarily be supported by reasons. In the instant case, a perusal of the impugned memo discloses that the 1st respondent herein failed to adhere to the said settled proposition of law. In the considered opinion of this Court on the said ground alone the impugned memo is liable to be set aside.

For the aforesaid reasons, the writ petition is allowed, setting aside the memo, dated 11-05-2015 issued by the 1st respondent herein and the matter is remanded to the 1st respondent herein for consideration of the revision filed by the petitioner afresh after giving notice and opportunity of being heard to the petitioner. This exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order. Till such exercise attain finality, there shall be no coercive action against the petitioner herein. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SETHA SAI, J

July 07, 2015

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THE HON'BLE SRI JUSTICE A.V. SETHA SAI

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