

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.28753 of 2010

Date:22.06.2015

Between:

G.Tirupathi Rao.

.... Petitioner

And

Government of Andhra Pradesh rep. by its
Principal Secretary Industries and Commerce (MIII)
Department, Secretariat Buildings,
Hyderabad and another.

... Respondents

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ORDER:

The petitioner assails the order passed by the Government of India in his Revision Application No.2(25)/2008-RC-II. This order was signed by the Deputy Secretary to the Government of India on 15.09.2010.

The petitioner applied for grant of a mining lease over an extent of Acs.100.00 cents in Kondamorusu Village, Pachipenta Mandal, Vizianagaram District. This application was made on 16.07.1999. By memo dated 04.05.2004, the Government of Andhra Pradesh rejected the said application on the ground that the Village in respect of which the petitioner sought a mining lease was situated in a scheduled area and as he was not a tribal, he could not be granted any leasehold rights. Aggrieved by this rejection, the petitioner preferred the revision only in the year 2008. Holding that the petitioner had failed to explain the delay of more than four years in filing the revision, the Government of India rejected the same on that technical ground under the impugned order signed on 15.09.2010.

Rule 54 of the Mineral Concession Rules, 1960 (for brevity 'the Rules of 1960'), deals with revisions to be filed against the orders of the State Government. The proviso to Rule 54(1) states that a revision application may be entertained even after the stipulated period of three months if the applicant satisfies the Central Government that he had sufficient cause for not making the revision application within time.

In the present case, the only reason put forth by the petitioner to explain the delay was that after the rejection of his application under memo dated 04.05.2004, he submitted a representation to the State of Andhra Pradesh asking for review of the said order. A copy of the said representation is placed on record. It does not bear a date. However the impugned order passed by the Government of India reflects that the said representation was stated to have been made on 20.06.2004.

It is therefore manifest that though the order under revision was passed on 04.05.2004, except for making a representation on 20.06.2004, the petitioner did not choose to do anything in the matter till the year 2008. In the light of this unexplained delay of four years, this Court finds no irregularity in the order passed by the Government of India refusing to condone the delay in exercise of its powers under Rule 54(1) proviso of the Rules of 1960.

The writ petition is therefore without merit and is accordingly dismissed.

Pending Miscellaneous Petitions shall also stand dismissed.
No order as to costs.

SANJAY KUMAR, J

Date:22.06.2015

GJ