

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

Writ Petition No.23090 of 2015

Between:

Nandyala Ranga Swamy

...Petitioner

and

The State of telangana, rep. By its Principal Secretary, Industries
and Commerce Department, Secretariat, Hyderabad
and others

...Respondents

Dated 27-07-2015

SUBMITTED FOR APPROVAL:

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

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals ? Yes/No

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No

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

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Writ Petition No.23090 of 2015

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ORDER:

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

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"to issue writ, order or direction, more particularly one in the nature of *Writ of Mandamus*, declaring the action of the 2nd respondent in Proceedings No.24645/R4-2/2010, dt.16-03-2012 rejecting the quarry lease application of the petitioner dt.09-06-2010 for grant of quarry lease for colour granite over an extent of 9.000 Hects. (22.50 Acs) in Sy.No.656/P, Racherla Village, Peapully Mandal, Kurnool District and action of the 1st respondent in Memo.No.7333/M.I(1)/2012-3, dt.09-12-2014 dismissing the Revision filed by Petitioner dt.07-05-2012 as arbitrary, illegal, unjust, unconstitutional in violation of principles of natural justice apart from A.P. Minor Mineral Concession Rules, 1966 and consequently call for records and set aside the same and pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice."

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

The Director of Mines and Geology, the 2nd respondent herein, by virtue of proceedings D.Dis.No.24645/R4-2/2010, dated 16-03-2012 rejected the quarry lease application of the

petitioner herein for colour granite over an extent of 9.000 Hectares in Sy.No.656/P of Racherla Village, Peapully Mandal, Kurnool District, under Rule 12(5)(d) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules'). As against the said orders of rejection, the petitioner filed revision before the State Government, the 1st respondent herein, under the provisions of Rule 35-A of the Rules. The 1st respondent vide Memo No.7333/M.I(1)/2012-3, dated 09-12-2014 dismissed the said revision filed by the petitioner herein. Calling in question the validity and legal sustainability of the said order passed by the 1st respondent, dismissing the revision filed by the petitioner herein, the present writ petition has been filed.

It is contended by the learned counsel for the petitioner that the order passed by the 1st respondent is highly illegal, arbitrary, unreasonable and in violation of Articles 14 and 19(1)(g) of the Constitution of India. It is further submitted by the learned counsel that the 1st respondent herein grossly erred in failing to assign any reasons, and the orders impugned are non-speaking orders. It is also submitted by the learned counsel that the reasons for rejection of the quarry lease application of the petitioner, assigned by the Director of Mines and Geology,

i.e. failure to attend the survey and inspection is contrary to the instructions issued by the Government, vide Memo No.4126/M.III-2/2000-3, dated 24-08-2000. It is further submitted that without adverting to the contents of the revision filed by the petitioner herein, the 1st respondent passed the impugned order, dismissing the revision.

On the contrary, it is submitted by the learned Government Pleader for Mines and Geology that there is no illegality nor any

procedural infirmity in the order passed by the 1st respondent herein, as such the present writ petition is not maintainable, and the petitioner is not entitled for any relief by this Court, under Article 226 of the Constitution of India.

A perusal of the impugned order manifestly discloses that except extracting the contents of the revision filed by the petitioner herein, the 1st respondent did not undertake any objective verification of the same. It is a settled and well-established proposition of law that the orders of the *quasi judicial* authorities should necessarily be supported by valid and cogent reasons. In the instant case, the same is conspicuously absent.

In view of the same, this Court deems it appropriate to set aside the impugned Memo No.7333/M.I(1)/2012-3, dated 09-12-2014 passed by the 1st respondent herein and remand the matter

to the 1st respondent for fresh consideration and disposal in accordance with law, after giving notice and opportunity of being heard to the petitioner.

For the aforesaid reasons, the writ petition is allowed, setting aside the impugned Memo No.7333/M.I(1)/2012-3, dated 09-12-2014 passed by the 1st respondent, and the matter is remanded to the 1st respondent for fresh consideration and for passing appropriate orders in accordance with law, after giving notice and opportunity of being heard to the petitioner herein; within a period of two months from the date of receipt of a copy of this order.

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The miscellaneous petitions, if any, filed in the writ petition, shall also stand disposed of. There shall be no order as to costs.

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A.V. SESA SAI, J.

Dt.27-07-2015.

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