

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

W.P.No.16840 of 2015

ORDER:

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

“.... to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent determining the quarry lease of the petitioner over an extent of 1.000 hectare in Sy.No.780 of Mettupally Village, Peapally Mandal, Kurnool District, in proceedings No.9618/R4-2/2008, dated 19.02.2009 and the orders of 1st respondent in Memo No.16935/M.I/2013-3, dated 17-01-2015, dismissing the Revision filed by petitioner as arbitrary, illegal, unjust, unconstitutional in violation of principles of natural justice and contrary to the Mines and Minerals (Development & Regulation) Act 1957 and A.P.Minor Mineral Concession Rules 1966, consequently call for records and set aside the same and pass such other order or orders as the Hon'ble Court deems fit and proper in the interest of justice.”

Heard Smt.N.Shoba, learned counsel for the petitioner and the learned Government for Mines and Geology (AP) apart from perusing the material available on record.

The petitioner was granted quarry lease for Black Granite in respect of an extent of 1.000 Heactares at Mettupalli Village, Peapally Mandal, Kurnool District, vide proceedings No.14480/R4-2/2007, dated 25-05-2007 by the 2nd respondent. The 2nd respondent vide proceedings No.9618/R4-2/2008, dated 19-02-2009 determined the lease granted in favour of the petitioner herein. Assailing the said order of determination passed by the 2nd respondent, the petitioner herein filed a revision before the 1st respondent-State under the provisions of Rule 35-A of A.P.Minor Mineral Concession Rules, 1966. The 1st respondent vide Memo No.16935/M.I(2)/2013-3, dated 17-01-2015 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/State Government vide Memo, dated 17-01-2015, the present writ petition is filed.

It is contended by the learned counsel for the petitioner that the order passed by the 1st respondent is a non-speaking order and being a quasi-judicial authority, the 1st respondent herein ought to have assigned reasons. It is also the contention of the learned counsel for the petitioner that in fact the petitioner herein before the revisional authority categorically expressed her readiness to pay entire dues to the Department. It is also the submission of the learned counsel for the petitioner that the impugned order passed by the 1st respondent-revisional authority is in violation of the principles of natural justice.

On the contrary, it is vehemently contended by the learned Government Pleader that the order passed by the 1st respondent is in accordance with the provisions of A.P.Minor Mineral Concession Rules, 1966 and there is no illegality nor any procedural infirmity in the order passed by the revisional authority.

It is a settled and well-established proposition of law that the order of the quasi-judicial authority should necessarily be supported by reasons. A perusal of the impugned order categorically discloses that the 1st respondent herein did not adhere to the said settled proposition of law and except concurring with the version of the 2nd respondent, the 1st respondent herein did not consider the issue independently by taking into consideration the case of the petitioner herein having extracted the request of the petitioner herein that due to domestic and financial problems she could not pay the advance dead rent for the year 2008-09. The 1st respondent herein did not take into consideration the willingness expressed by the petitioner herein to pay entire dues to the Department at the time of hearing of the revision.

This in the considered opinion of this Court is highly unjustified. Therefore, this court is of the opinion that the issue requires re-

consideration by the 1st respondent-State.

For the aforesaid reasons, the writ petition is allowed, setting aside Memo No.16935/M.I./2013-3, dated 17-01-2015, issued by the 1st respondent and the matter is remanded to the 1st respondent for fresh consideration in accordance with law, after giving due opportunity to the petitioner. This exercise shall be completed by the 1st respondent within a period of six weeks months from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.V.SESHA SAI, J

Date: 15.06.2015

Prv

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