

THE HON'BLE SRI JUSTICE SANJAY KUMAR

REVIEW W.P.M.P.No.51966 of 2015

in

W.P.No.16021 of 2014

ORDER:

This miscellaneous petition was filed seeking review of the order dated 03.11.2015 passed by this Court in W.P.No.16021 of 2014.

Sufficient grounds having been raised for review of the order dated 03.11.2015, this application for grant of review is ordered.

Considering the issues involved, this Court is of the opinion that the review petition can be heard immediately as provided for under Order 47 Rule 8 CPC and having heard Sri M.S. Prasad, learned Senior Counsel for the review petitioners/writ petitioners, and Sri D. Prakash Reddy, learned Senior Counsel appearing for the fifth respondent in the review petition as well as the writ petition, the following order is passed:

Perusal of the order under review reflects that this Court did not decide any aspect of the matter and left it open to the Director of Mines and Geology, Andhra Pradesh, to take necessary action in the matter. It is no doubt true that by oversight, the phrase 'in accordance with law' has not been mentioned in the context of the exercise that is to be undertaken by the Director of Mines and Geology.

Sri M.S. Prasad, learned Senior Counsel, would contend that the Director is treating the afore-stated order passed by this Court as clothing him with the power to undertake the enquiry ignoring the objection raised by the review petitioners/writ petitioners to the very jurisdiction of the Director in the matter.

It is relevant to note that this Court referred to the notice dated 22.04.2014 issued by the Director of Mines and Geology, Andhra Pradesh, calling upon review petitioner No.1/ writ petitioner No.1 to submit its written statement on the acceptance of the issues mentioned in the said notice within a timeframe. This Court also referred to the fact that review petitioner No.1/writ petitioner No.1 had submitted its objections under letter dated 24.04.2014.

It is relevant to note that even at the stage of passing the interim order, this Court was conscious of the fact that the issue of jurisdiction had been raised. It is therefore not open to the Director of Mines and Geology, Andhra Pradesh, to brush aside the question of jurisdiction that has been raised and take shelter under the order passed by this Court. He would necessarily have to deal with the objections raised by the review petitioners/writ petitioners as to his jurisdiction in the matter. That apart, the Director would have to permit the parties to

submit all the objections available to them in law including objections against the report/reports, as the case may be. He would also have to deal with any objection as to the acceptability of such a report or reports.

The order dated 03.11.2015 shall therefore stand modified to the extent indicated above. As it is stated that the matter is directed to be posted on 27.01.2016 before the Director of Mines and Geology, he shall adjourn the matter to 15.02.2016 to enable review petitioner No.1/writ petitioners No.1 to file its additional objections/material as per the order passed earlier. In the event any such additional material/objections are filed by review petitioner No.1/writ petitioner No.1, the Director shall also give an opportunity to the fifth respondent herein to respond thereto. The timeframe fixed by this Court for disposal of the enquiry shall stand extended to a period of six weeks from the date of filing of the additional material/objections by review petitioner No.1/writ petitioner No.1 and the response thereto by the fifth respondent.

The review petition is accordingly disposed of.

JUSTICE SANJAY KUMAR

25th January, 2016

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