

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 1005 OF 2015

12-11-2015

Between:

M/s. Vijaya Granites Exports, rep., by its Managing Partner,
T. Vijaya Laxmi, W/o. T.S. Venkateswara Rao, aged 46 years, 8-3-902/1, Nagarjuna
Nagar, Hyderabad

... Petitioner

And

The State of Andhra Pradesh, rep., by its Principal Secretary, Industries &
Commerce Department, Secretariat Building, Hyderabad and others

... Respondents

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AND

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WRIT APPEAL No. 1005 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

Sri Ghanta Rama Rao, learned Senior Counsel, on instructions from his instructing advocate, does not press the appeal and seeks liberty to the appellant to approach the Government for seeking sanction from the Director, Mines and Geology (respondent No.2) as contemplated under Rule 12(5)(h)(viii) of the Andhra Pradesh Minor Mineral Concession Rules, 1966 (for short 'the Rules') and seeks direction to the concerned authority to consider and decide their representation/application within time frame.

The appellant's quarry lease for black granite has been cancelled on the ground that they created sub-lease and/or transferred their right in favour of third party (M/s. Manu Granites – respondent No.5). In this backdrop, such a prayer has been made by learned Senior Counsel for the appellant. Learned counsel for the respondents including learned Special Government Pleader appearing for respondent Nos.1 to 4 have no objection for granting such liberty. He submits that if any such representation is made, respondent No.2 shall consider the representation on merits in accordance with law within four weeks from the date of receipt of the representation.

In the circumstances, we pass by the following order:

"It is open to the appellant to make a representation to the concerned authority (Director, Mines and Geology – respondent No.2) seeking *expost facto* sanction as contemplated by Rule 12(5)(h)(viii) of the Rules within a period of one week from today. If such a representation is made, respondent No.2 shall consider the same on merits in accordance with law, as expeditiously as possible and preferably within a period of four weeks from the date of receipt of the representation."

With these observations, the writ appeal is disposed of.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

12-11-2015

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