

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

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF APRIL

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

CONTEMPT CASE No.131 of 2015

&

WRIT PETITION Nos.596 and 1208 of 2015

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CC.No.131 of 2015:

IN RE ...

Assistant Director of Mines & Geology, Department of Mines & Geology, State of Andhra Pradesh, Nellore.

...RESPONDENT/CONTEMNOR

WP.No.596 of 2015:

BETWEEN

Naseeb Mining Company.

...PETITIONER

AND

State of Andhra Pradesh, Department of Mines & Geology, Rep. by its Director, BRKR Bhavan, Hyderabad and another.

...RESPONDENTS

WP.No.1208 of 2015:

BETWEEN

Sri Sai Sands.

...PETITIONER

AND

State of Andhra Pradesh, Department of Mines & Geology, Rep. by its Director, BRKR Bhavan, Hyderabad and another.

...RESPONDENTS

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Counsel for the Petitioners: MR. VEDULA SRINIVAS

Counsel for the Respondents: GP FOR MINES & GEOLOGY (AP)

The Court made the following:

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COMMON ORDER:

CC.No.131 of 2015:

Order of this Court in WP.No.39368 of 2014 and batch dated 29.12.2014 was not found complied with in spite of the fact that the last para of the order specifically states as follows:

“It shall be open for the director of Mines to take appropriate steps to comply with the directions of the Division Bench, referred to above and as well as the directions in the batch of writ petitions, referred to above, within a period of two weeks from the date of receipt of a copy of this order and if no orders are passed by the Director within the time stipulated above, the petitioner’s request for grant of dispatch permits shall be considered by the Assistant Director of Mines and Geology and appropriate orders shall be passed.”

2. When this aspect was brought to the notice of this Court while hearing WP.Nos.596 and 1208 of 2015, on 30.01.2015, *suo motu* contempt proceedings were initiated against the contemnor requiring him to show cause as to why proceedings under the Contempt of Courts Act should not be initiated against him.

Thereafter, on 20.02.2015, Form-I notice was issued and on 20.03.2015, the contemnor appeared in person and learned Government Pleader representing the contemnor sought time to file counter. Thereafter, separate counter affidavits have been filed wherein the contemnor tried to explain the reasons for not complying with the order. However, it is also stated that on account of *bonafide* impression, the order could not be complied with within the time and that the transit permits were issued to the petitioner from 23.02.2015 to 27.03.2015, for which unconditional apology is sought.

3. Though the justification given for not complying with the order is not satisfactory, keeping in view the belated compliance, I deem it appropriate that it is not necessary to pursue the contempt case any further.

The contempt case is accordingly closed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

WP.Nos.596 and 1208 of 2015:

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In view of the dispatch/transit permits, having been already granted, as recorded in CC.No.131 of 2015 above, no further orders are required to be passed in the writ petitions.

The writ petitions are accordingly dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 6, 2015

DSK