

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2444 OF 2010

DATED: 01.06.2015

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Between:

T. Mahaboob Basha

.. Petitioner

And

The Government of India,

Rep. by its Secretary, Ministry of Mines, New Delhi,

and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2444 of 2010

ORDER:

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The petitioner challenges the proposed rejection of his application dated 05.05.2005 seeking grant of a mining lease over an extent of Acres 30.00 cents in Sy.No.762 of Uyyalawada Village, Orvakal Mandal, Kurnool District, under memo dated 08.09.2009 passed by the Industries and Commerce Department of the Government of Andhra Pradesh.

Learned Assistant Government Pleader appearing for the State concedes that a batch of cases on the same issue was disposed of by this Court. A copy of the common order passed in W.P.No.23985 of 2008 and batch is placed on record and

it reflects that the State was directed to consider the cases of the petitioners in the batch afresh by taking into account the explanations submitted by them pursuant to the show-cause notices issued and after giving sufficient opportunity of being heard, the State was directed to pass appropriate orders in accordance with law within a timeframe.

For reasons alike as were mentioned in the afore-stated common order, this writ petition is disposed of directing the respondents to consider the explanation dated 26.10.2009 submitted by the petitioner in response to the impugned memo dated 08.09.2009 and pass appropriate orders thereon in accordance with law after giving due and sufficient opportunity of hearing to the petitioner. This exercise shall be completed expeditiously and preferably within two months from the date of receipt of a copy of this order.

It is noticed that the writ petition was instituted against the Government of India and the Government of Andhra Pradesh and not the Union of India and the State of Andhra Pradesh. The Government of India and the Government of Andhra Pradesh are not *sui juris* as per Article 300 of the Constitution and Section 79 C.P.C. However, as the writ petition has been pending before this Court since 2010, this Court is not inclined to dismiss the writ petition on this technical ground. The Registry shall cause amendment of the cause title by substituting words 'The Union of India' and 'The State of Andhra Pradesh' in the place of 'The Government of India' and 'The Government of Andhra Pradesh' respectively before issuing a copy of this final order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. There shall be no order as to costs.

JUSTICE SANJAY KUMAR

1st June, 2015

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