

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.23395 OF 2012

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DATED: 29.06.2015

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Between:

D. Vinay Kumar Reddy

.. Petitioner

And

Government of India,
Rep. by its Secretary,
Ministry of Steel & Mines,
New Delhi, and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.23395 of 2012

ORDER:

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The petitioner is aggrieved by the final order dated 03.05.2012 passed by the Government of India in exercise of revisionary powers under Section 30 of the Mines and Minerals (Development and Regulation) Act, 1957 (for short 'the Act of 1957') and Rule 55 of the Mineral Concession Rules, 1960.

This revision was filed by the 5th respondent herein aggrieved by the rejection of his application for grant of a mining lease. He further sought a direction from the revisionary authority to revise the grant orders issued by the Government of Andhra Pradesh vide G.O.Ms.No.142 dated 30.03.2002 or to consider his latest application dated 31.07.2003 by overlooking the priority by invoking Section 11(5) of the Act by reducing the area granted by way of a mining lease in favour of the petitioner herein. He also sought stay of further proceedings in respect of the mining lease application filed by the

petitioner herein till the disposal of his revision petition.

It is an admitted fact that this revision was heard and disposed of by the Government of India without putting the petitioner on notice.

Smt. P. Vijaya Lakshmi, learned counsel representing Smt. N. Shoba, learned counsel for the petitioner, states that the petitioner in fact filed an implead petition before the revisionary authority but, without any notice being given to the petitioner pursuant thereto, the revisionary authority passed the impugned final order.

Sri P. Pradeep Kumar Reddy, learned counsel for the 5th respondent, fairly concedes that the petitioner was not heard by the revisionary authority prior to the passing of the impugned final order. The revision petition filed by the 5th respondent as well as the impugned final order passed thereupon clearly indicate that the same had an adverse impact upon the interest of the petitioner. It was therefore incumbent upon the revisionary authority to afford an opportunity of hearing to the petitioner before passing any order in the said revision. The failure on the part of the revisionary authority to do so therefore clearly violates the principles of natural justice.

Though Sri P. Pradeep Kumar Reddy, learned counsel, would contend that the legal regime has changed insofar as grant of mining leases relating to the subject minor mineral is concerned, it is to be noticed that the petitioner herein was already granted a mining lease by the competent authority and by virtue of the impugned final order passed by the revisionary authority, the same was set at naught.

This Court granted interim suspension of the impugned final order on 21.08.2012. That being so, the grant of mining lease in favour of the petitioner was in a state of animated suspension and the contention of the learned counsel that the matter should be remitted to the primary authority for consideration of the applications afresh cannot be accepted. It is for the revisionary authority to apply its mind after hearing all the affected parties and pass an appropriate reasoned order in accordance with law.

The impugned final order dated 03.05.2012 is accordingly set aside and the matter is remitted to the revisionary authority, the 1st respondent herein, for consideration of the 5th respondent's revision in accordance with law after putting all the affected parties on notice and giving them due opportunity of hearing. The revisionary authority shall endeavour to dispose of the revision and pass a reasoned order therein in accordance with law expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

The writ petition is allowed.

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

JUSTICE SANJAY KUMAR

29th June, 2015
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