

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

-

WRIT PETITION No.11258 OF 2003

Between:

M. Narayana Rao

Petitioner

A n d

Superintending Engineer (Irrigation & Power),

Vijayawada, Krishna District and four others.

....Respondents

JUDGMENT PRONOUNCED ON: 30.07.2015

HON'BLE THE ACTING CHIEF JUSTICE SRI DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

1. Whether Reporters of Local newspapers: Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be: Yes/No
marked to Law Reporters/Journals?

3. Whether their Ladyship/Lordship wish to: Yes/No
see the fair copy of the Judgment?

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-

WRIT PETITION No.11258 OF 2003

ORDER *(Per the Hon'ble Sri Justice S.V.BHATT)*

The petitioner prays for Mandamus declaring the action of respondents in withholding and deducting amounts towards seigniorage fees in respect of the materials used by the petitioner in spite of showing proof of payment of seigniorage fees on

the basis of Clause 6(v) of G.O.Ms.No.23, I & CAD (PII COD) Department dated 05.03.1999, as illegal, arbitrary and unconstitutional.

Heard learned counsel for the petitioner and the learned Government Pleader.

This Court through order dated 02.12.2003 in WVMP.No.3473 and WPMP.No.14055 of 2003 has modified the interim order as follows:

“The interim order granted by this Court on 13.8.2003 is clarified in the following manner:

The respondents shall not withhold or deduct any amounts from the bills to be paid and payable to the petitioner towards the seigniorage fee already been paid in support of the mineral, provided concrete and specific proof is made available.

With the above clarification, the interim order is made absolute. This order, however, is subject to further orders to be passed in the W.P. “

At the time of hearing, the learned Government Pleader has brought to our notice the common order dated 11.09.2006 in W.P.No.23078 of 2002 and batch. The issue relates to non- payment or refund of money to which the petitioner is entitled on account of payment of seigniorage fees. The order dated 02.12.2003, as noted above, is comprehensive enough to redress the grievance of the petitioner. The order dated 02.12.2003 is made final order in the writ petition and the petitioner is given liberty to place before the respondents the proof of payment of segniorage fees by him for the works executed in terms of G.O.Ms.No.23 dated 05.03.1999.

The writ petition is disposed of as indicated above. No costs.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 30.07.2015

Stp/Lrkm