

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.39938 of 2015

ORDER:

This writ petition was filed assailing G.O.Ms.No.41, Industries & Commerce (M.III) Department, dated 06.06.2015, whereby the petitioner's mining lease was determined in exercise of powers under Rule 28(1) of the Mineral Concession Rules, 1960.

The lease of the petitioner was in relation to the minerals Steatite and Dolomite. It is however an admitted fact that these minerals have been de-notified as major minerals under notification dated 10.02.2015 issued by the Ministry of Mines, Government of India, and became minor minerals from the said date. It is also not in dispute that the law applicable to major minerals and minor minerals varies as Steatite and Dolomite, as long as they were classified as major minerals, were governed by the Mineral Concession Rules, 1960, but after de-notification, they would be governed by the State Legislation, the Andhra Pradesh Minor Mineral Concession Rules, 1966.

In that view of the matter, after the de-notification of the minerals as major minerals, it was no longer open to the Government of Andhra Pradesh to treat the same as major minerals and deal with the same under Rule 28(1) of the Mineral Concession Rules, 1960. The impugned G.O.Ms.No.41 dated 06.06.2015 treated these minerals as major minerals and applying Rule 28(1) of the Mineral Concession Rules, 1960, held the lease to have lapsed. In effect, this G.O. is non-est in the eye of law. The G.O. is accordingly set aside on this short ground. This order shall however not preclude the mining authorities from taking appropriate action, if warranted, against the petitioner in accordance with law.

The writ petition is allowed to the extent indicated above.

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

SANJAY KUMAR, J

Date:28.12.2015

GJ