

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12331 of 2012

ORDER:

The grievance of the petitioner concern in this case was that the Assistant Director of Mines and Geology, Warangal, under proceedings dated 02.04.2012, refused to issue dispatch permits to it for transportation of the mineral, Laterite, pursuant to the quarry lease granted to it under G.O.Ms.No.170 dated 23.07.1997. The said lease related to an extent of Acres 12.05 guntas in Sy.Nos.2/2, 3/2, 4/2 and 5/2 of Mallampally Village, Mulugu Mandal, Warangal District.

Perusal of the impugned letter dated 02.04.2012 of the Assistant Director of Mines and Geology, Warangal, demonstrates that the petitioner concern was issued a demand notice on 27.02.2012 by the Deputy Director of Mines and Geology, Warangal, calling upon it to pay a sum of Rs.26,17,800/-. As the petitioner concern failed to remit the said amount, the Assistant Director of Mines and Geology, Warangal, stated that he has been instructed not to issue dispatch permits to it.

By interim order dated 25.04.2012, this Court directed the mining authorities to issue dispatch permits to the petitioner concern for transporting the mineral subject to the petitioner concern depositing 25% of the amount demanded under the demand notice dated 27.02.2012.

Smt. N. Shoba, learned counsel for the petitioner concern, stated that the petitioner concern preferred a revision before the Government of India under Section 30 of the Mines and Mineral (Development and Regulation) Act, 1957, read with Rule 55 of the Mineral Concession Rules, 1960. However, by order dated 17.04.2015, the Government of India remitted the matter to the State Government on the ground that the mineral in question, Laterite, was declared subsequently as a minor mineral and further directed the State Government to await the final orders in this writ petition.

Aggrieved by this order, the petitioner concern filed W.P.No.25566 of 2015 before this Court which was disposed of by order dated 13.08.2015 clarifying that the pendency of this writ petition had nothing to do with the matter as the demand notice dated 27.02.2012 was not subjected to challenge in this writ petition and that the revision against the same had to be heard independently. The State Government was accordingly directed to pass appropriate orders on the revision filed by the petitioner concern against the demand notice dated 27.02.2012 within a timeframe. It is now stated that the State Government is seized of the petitioner concern's revision but final orders are yet to be passed thereon.

In the light of the afore-stated circumstances, this writ petition need not be kept pending on the file of this Court awaiting the consideration of the petitioner concern's revision. As the mining authorities have already been directed to issue dispatch permits to the petitioner concern subject to compliance with the condition imposed of depositing 25% of the amount demanded under the demand notice dated 27.02.2012 and as it is stated that the said condition has already been complied with, the same may be continued pending the disposal of the revision petition filed by the petitioner concern which is now on the file of the State Government.

The writ petition is accordingly disposed of directing the mining authorities to continue to issue dispatch permits to the petitioner concern pending the disposal of the revision petition filed against the demand notice dated 27.02.2012. Further action thereafter would abide by the result of the said revision.

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

JUSTICE SANJAY KUMAR

1st September, 2015
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