

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

TUESDAY THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 31909 OF 2015

-

Between:

M/s. Annan Granites
Rep.by its Authorised Signatory
Thiru P. Imba Shekaran,
R/o. 1-64, Rotary Nagar
Tekkali Mandal,
Srikakulam district. ... Petitioner

Vs.

State of Andhra Pradesh
Rep.by its Prl.Secretary,

Industries & Commerce Department
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Smt. N. Shoba

Counsel for the Respondents: GP for Mines & Geology [AP]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 31909 OF 2015

-

-

ORDER:

-

-

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“To declare the action of Respondent No.3 in proceedings bearing Lr.No.1129/Q/99, dated 22/7/2014 in demanding to pay mineral revenue dues over the quarry lease area in over an extent of 3,000 hectares in survey No.71 of Lingalavalasa village, Tekkali Mandal, Srikakulam district, which has been surrendered by application dated 01/3/2002 to the Director of Mines and Geology and informed vide letter dated 13/3/2002 to the Assistant Director of Mines and Geology and the action of the first respondent in Lr.No. 1-0672/M.I(2)/2015-1, dated 08/9/2015 in returning the revision application as arbitrary, illegal, unjust, unconstitutional, in violation of Mines and Minerals [Development and Regulation] Act, 1957, A.P. Minor Mineral Concession Rules 1966 and Mineral Concession Rules 1960 and to quash the same and to pass such other suitable orders as this court may deems fit and proper in the circumstances of the case.”

2. Heard Smt. N. Shoba, learned counsel for the petitioner and the learned Government Pleader for Mines and Geology for the respondents.

3. The Assistant Director of Mines and Geology, Tekkali, Srikakulam district, who is the third respondent herein by way of a letter bearing No.1129/Q/99 dated 22/7/2014 requested the petitioner to pay a sum of Rs.34,78,859/- towards the mineral revenue dues upto 31/3/2014 in respect of quarry lease held by the petitioner in survey No.71 of Lingalavalasa village, Tekkali Mandal, Srikakulam district, over an extent of 3,000 hectares. Aggrieved by the said demand raised by the third respondent-Assistant Director of Mines and Geology, Tekkali, the petitioner herein filed revision on 05/5/2015 under the provisions of Rule 35 [A] of A.P. Minor Mineral Rules, 1966 [hereinafter called “The Rules”] before the State Government. The State

Government-first respondent herein by of letter dated 8/9/2015 returned the said revision application filed by the petitioner on the ground that the same being barred by limitation as prescribed under Rule 35 of the Rules.

4. Calling in question the validity and legal sustainability of the same, the present writ petition has been filed.

5. It is contended by the learned counsel for the petitioner the impugned letter dated 08/9/2015, returning the revision filed by the petitioner herein is highly arbitrary, illegal and unreasonable and is violative of Articles 14 and 19 [g] of the Constitution of India besides being opposed to the spirit of the provisions of A.P. Minor Mineral Concession Rules, 1966. It is further submitted that the petitioner herein filed revision within the time prescribed under Rule 35 [A] as the impugned demand issued by the third respondent- Assistant Director of Mines and Geology was received in the office of the petitioner only on 24/3/2015.

6. Per contra, it is vehemently argued by the learned Assistant Government Pleader that there is absolutely no illegality nor procedural infirmity in the impugned action, as such, the present writ petition is not maintainable and the petitioner is not entitled for any relief from this court under Article 226 of the Constitution of India.

7. The material available before this court manifestly discloses that as against the demand issued by the Assistant Director of Mines and Geology dated 22/7/2014, asking the petitioner to pay a sum of Rs.34,78,859/- , the

petitioner herein filed statutory revision before the first respondent-State Government under Rule 35 [A] of the Rules. It is further clear from the material on record that after filing the revision by the petitioner herein, the State Government called for remarks from the Assistant Director of Mines and Geology through the Director of Mines and Geology, Hyderabad and in response to the same, the Assistant Director-third respondent herein vide letter No.1129/Q/99, dated 22/7/2014 send his remarks on the revision filed by the petitioner herein. Along with the said letter, the Assistant Director enclosed an abstract and according to column no.5 [d] of the said extract, the revision petitioner received the demand notice on 24/3/2015. The said aspect is not disputed in the present writ petition. Admittedly the petitioner herein filed statutory revision on 5/5/2015.

8. According to Rule 35 [A] of Minor Mineral Concession Rules, 1966 the time stipulated for filing the revision by the aggrieved party is ninety days. In the instant case, since the petitioner herein filed revision on 5/5/2015 i.e., within ninety days from the date of service of demand notice, it can safely be concluded that the petitioner herein filed the revision application within the stipulated time as per Rule 35 [A] of the Rules. Therefore there is no justification on the part of the first respondent-State Government in rejecting the revision application on the ground of delay.

9. For the aforesaid reasons, the writ petition is allowed, setting aside the letter bearing No.10672/M.1 (2)/2015-1 dated 08/9/2015 of the first respondent-State Government and the matter is remanded for consideration of the revision

of the petitioner by the State Government afresh on merits and to pass necessary orders as per law. This exercise shall be completed within a period of one month from the date of receipt of a copy of this order. Till such exercise attains finality, there shall be no coercive action against the petitioner herein.

No costs.

10. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

06/10/2015

I s L

HONOURABLE SRI JUSTICE A.V. SETHA SAI

-

-
-
-
-
-
-
-
-

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

—

Date:06/10/2015

Circulation No.

Court Master: I s L