

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.28795 of 2012

Date: 11.06.2015

Between:

Syed Amshan and another.

.... Petitioners

And

The Assistant Director, Mines & Geology,
Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.28795 of 2012

ORDER:

This writ petition was filed assailing the show cause notice dated 17.08.2012 issued by the Assistant Director of Mines and Geology, Hyderabad, whereby the authority proposed to impose normal seigniorage fee along with ten times penalty upon the petitioners under Rule 26(2) of the Andhra Pradesh Minor Mineral Concession Rules, 1966.

By interim order dated 17.09.2012, this Court granted stay of further proceedings pursuant to the impugned show cause notice subject to the condition that the petitioners deposit 50% of the amount demanded thereunder.

It is a settled position of law that a show cause notice can be questioned only on limited grounds relating to jurisdiction or application of mind by the authority concerned. Perusal of the writ affidavit discloses that no such grounds have been pleaded in the present case.

Sri M.A.K.Mukheed, learned counsel for the petitioners, states that in response to the impugned show cause notice, the petitioners submitted their explanation.

In that view of the matter, this Court sees no reason to keep this writ petition pending. It is for the petitioners to face the enquiry before the authority pursuant to the impugned show cause notice and make out their case, if any. As it is stated that 50% of the amount demanded under the impugned show cause notice has already been paid, the balance amount due and payable, as well as the amount already paid pursuant to the interim order shall abide by the final decision of the authority.

The Assistant Director of Mines and Geology, Hyderabad, shall therefore consider the explanation submitted by the petitioners, give them an opportunity of hearing and thereafter pass appropriate reasoned orders in the matter in accordance with law.

The writ petition is disposed of with the above direction.

Pending Miscellaneous Petitions shall stand dismissed, in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 11.06.2015

