

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

TUESDAY THE TWENTYFIFTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26983 OF 2015

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Between:

M/s. Rock India Exports,
Represented by its Proprietor
Abdul Vaheed,
Visakhapatnam ... Petitioner

V/s

State of Andhra Pradesh
Represented by its Prl. Secretary
Industries & Commerce Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: M/s. Shoba, N.

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

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 26983 OF 2015

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ORDER:

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

“To declare the action of Respondent No.2 Director of Mines and Geology in rejecting the application of the petitioner in Proceedings No. 15430/R1-1/2009, dated 28/10/2014 submitted for grant of quarry lease for colour granite in over an extent of 10,000 hectares in survey No. 27 of Loddabadra village, Palasa Mandal, Srikakulam district and the action of first respondent in dismissing the Revision in Memo No. 6010/M.1 [1]2015-2, dated 19/08/2015 as arbitrary, illegal, unjust and unconstitutional, in violation of principles of natural justices and Mines and Minerals [Development & Regulation] Act, 1957 and A.P.Minor Mineral Concession Rules 1966 and consequently to set aside the same and direct the Director of Mines and Geology to grant quarry lease on the application of the petitioner dated 13/04/2009 and to pass such other suitable orders as this court deems fit and proper in the circumstances of the case.”

2. Heard Smt. N. Shoba, learned counsel for the petitioner and learned Government Pleader for Mines and Geology, apart from perusing the material available before the Court.

3. The Director of Mines and Geology, the second respondent herein by virtue of Proceedings No. 15430/R1-1/2009, dated 28/10/2014 rejected the quarry lease application of the petitioner herein for colour granite over an extent of 10.000 hectares in survey No.27 of Loddabadra village, Palasa Mandal, Srikakulam district under Rule 12 (5) (d) of the A.P. Minor Mineral Concession Rules, 1966 [for short 'the Rules']. As against the said orders of rejection, the petitioner filed revision before the State Government, the first respondent herein, under the provisions of Rule 35-A of the Rules. The first respondent vide Memo.No. 6010/M.1(1)/2015-2 dated 19/08/2015 dismissed the said revision filed by the petitioner herein. Calling in question the validity and legal sustainability of the said order passed by the first respondent, dismissing the revision filed by the petitioner herein, the present writ petition has been filed.

4. It is contended by the learned counsel for the petitioner that the order passed by the first respondent is highly illegal, arbitrary, unreasonable and in violation of Articles 14 and 19 (1) (g) of the Constitution of India. It is further submitted by the learned counsel that the first respondent herein grossly erred in

failing to assign any reasons, and the orders impugned are non-speaking orders. It is also submitted by the learned counsel that the reasons for rejection of the quarry lease application of the petitioner, assigned by the Director of Mines and Geology i.e., failure to attend the survey and inspection are contrary to the instructions issued by the Government vide Memo.No.4126/M.III-2/2000-3, dated 24/08/2000. It is further submitted that without advertent to the contents of the revision filed by the petitioner herein, the first respondent passed the impugned order, dismissing the revision.

5. On the contrary, it is submitted by the learned Government Pleader for Mines and Geology that there is no illegality nor any procedural infirmity in the order passed by the first respondent herein, 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.

6. A perusal of the impugned memo manifestly discloses that except indicating the Revision filed by the petitioner as one of the references, the first respondent did not undertake any objective consideration of the same. It is settled and well-

established proposition of law that the orders of the quasi judicial authorities should necessarily be supported by valid and cogent reasons. In the instant case, the same is conspicuously absent. In view of the same, this Court deems it appropriate to set aside the impugned Memo.No. 6010/M.1(1)/2015-2 dated 19/08/2015 passed by the first respondent and to remand the matter to the first respondent for fresh consideration and for passing appropriate orders in accordance with law, after giving notice and opportunity of being heard to the petitioner.

7. For the aforesaid reasons, the writ petition is allowed, setting aside the impugned Memo.No. 6010/M.1(1)/2015-2 dated 19/08/2015 passed by the first respondent and the matter is remanded to the first respondent for fresh consideration and for passing appropriate orders afresh in accordance with law, after giving notice and opportunity of being heard to the petitioner herein within a period of two months from the date of receipt of a copy of this order. No costs.

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

JUSTICE A.V.SESHA SAI

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