

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.31690 of 2016

O R D E R:

Heard counsel for the petitioner and the Government Pleader for Industries appearing for respondents.

2. Petitioner has filed this Writ Petition challenging the order dt.02.06.2016 passed by the 2nd respondent dismissing the petitioner's revision filed on 05.07.2012 challenging the order dt.15.10.2009 of the 3rd respondent terminating the petitioner's quarry lease for black granite which was granted on 31.10.2007.

3. Petitioner contends that petitioner had mentioned in grounds of revision that he has not received the order dt.15.10.2009 passed by the 3rd respondent and that that he has also filed a medical certificate showing that he was unwell from 01.06.2012 to 02.07.2012 and without considering the specific plea of the petitioner that he has not received the order terminating the quarry lease, the impugned order has been passed stating that there is a delay of 2 years 5 months 10 days in filing the revision.

4. Counsel for the petitioner contends that without the revisional authority satisfying itself that the order terminating quarry lease was served on the petitioner and without verifying whether it was served, it was not open to the 2nd respondent to hold that the revision is filed with delay. He placed reliance on the decision of this Court in ***M/s.Omkar Stone Crusher,***

Perecherla, rep. by its Managing Partner S.Ramesh Babu v. The Director of Mines & Geology, Govt. of A.P., Hyderabad and others¹ wherein this Court held that limitation for filing a revision commences only from the date of communication of the order or from the date of knowledge of the order.

5. The Government Pleader appearing for respondents does not dispute the fact that in the impugned order there is no finding by the 2nd respondent that the order terminating the quarry lease was served on the petitioner and when it was so served on the petitioner.

6. In this view of the matter, the contention of the petitioner has to be accepted and it has to be held that the revisional authority could not have rejected the revision on the ground that there is delay in filing the revision, when the respondents have not placed any material on record to show that the order terminating the quarry lease, which was challenged by the petitioner in the revision, was served on the petitioner and when it was so served on the petitioner.

7. Therefore, the Writ Petition is allowed; the impugned order dt.02.06.2016 of the 2nd respondent is set aside; and the matter is remitted back to the 2nd respondent to consider the revision in the light of the above observations. This exercise shall be completed within a period of six (06) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

¹ 1993(2) ALT 328

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

22nd September, 2016
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