

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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WRIT PETITION No.21820 OF 2016
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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology appearing for respondents. With their consent, the present Writ Petition is disposed of at the admission stage.

2. The present Writ Petition is filed with the following prayer:

“to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the order issued by the respondent No.3 vide Proc.No.2215/Nlg/Q/2002 dated 21.06.2016 as illegal, arbitrary and violative of principles of natural justice and consequently set aside the said order.”

3. A perusal of the material on record would show that the show cause notice dated 04.05.2016 came to be issued by the 3rd respondent for the following breaches:

- a) “The lessee has not paid the Advance Dead Rent for the year 2016-17, which is a breach of Rule 31(vi) of TMMC Rules, 1966.
- b) The lessee is not furnishing the Quarterly and Annual returns, which is a breach of Rule 28(3) of TMMC Rules, 1966.
- c) The lessee is not maintaining registers like production, & Despatches, Labour Attendance, Sales Particulars etc., which is a breach of Covenant condition 7 of lease deed in Form-G.
- d) The lessee has not commenced the quarrying operations from 29.05.2012 which is violation of Rule 31(xiii) of APMMC Rules, 1966.”

Explanation to the said notice came to be issued by the petitioner on 23.05.2016. Thereafter the impugned order dated

21.06.2016 came to be passed by the 3rd respondent by taking into consideration the events which happened after the issuance of show cause notice and without considering the explanation submitted by the petitioner.

4. In view of the above, the impugned order dated 21.06.2016 passed by the 3rd respondent is set aside and consequently, the respondent authorities shall issue a fresh show cause notice to the petitioner and proceed in accordance with law.

5. Accordingly, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:08.07.2016
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