

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.42570 OF 2015

ORDER:

This writ petition was filed assailing G.O.Ms.No.121, Industries & Commerce (M.II) Department, dated 15.12.2015, whereby the petitioner's mining lease was cancelled in exercise of powers under Mineral Concession Rules, 1960.

The lease of the petitioner was in relation to the mineral, Laterite. It is however an admitted fact that this mineral has been de-notified as major mineral under notification dated 10.02.2015 issued by the Ministry of Mines, Government of India, and became minor mineral from the said date. It is also not in dispute that the law applicable to major minerals and minor minerals varies as Laterite, as long as it was classified as major mineral, was governed by the Mineral Concession Rules, 1960, but after de-notification, it would be governed by the State Legislation, the Andhra Pradesh Minor Mineral Concession Rules, 1966.

In that view of the matter, after the de-notification of the mineral as major mineral, it was no longer open to the Government of Andhra Pradesh to treat the same as major mineral and deal with the same under Mineral Concession Rules, 1960. The impugned G.O.Ms.No.121 dated 15.12.2015 treated this mineral as major mineral and applying the Mineral Concession Rules, 1960, held the lease to have cancelled. In effect, this G.O. is non-est in the eye of law. The G.O. is accordingly set aside on this short ground. This order shall however not preclude the mining authorities from taking appropriate action, if warranted, against the petitioner in accordance with law.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

4th January, 2016
IBL