

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.13123 of 2016

ORDER:

This writ petition is being disposed of with consent of both the parties at the admission stage.

The petitioner is a class one contractor doing Government works pertaining to Roads & Buildings, Irrigation, Panchayat Raj and other departments. He applied for grant of quarry lease for extraction of stone/metal with respondents 1 and 2 in the year 2014 and the same was kept pending. On verification, the petitioner came to know that his application for grant of quarry lease was kept pending due to non-payment of amount of Rs.2,43,000/-, demanded earlier for stocking 810 cubic metres of rough stone and road metal at petitioner's crusher unit located in Survey Nos.49 and 50 of Mannapur Village, Dharoor Mandal, Mahabubnagar District. The said amount includes five times penalty on the normal Seigniorage fee of Rs.40,500/-. It appears that against the demand, the petitioner preferred a revision application before respondent No.1 while paying the amount under protest. Now, respondent No.1 passed an order on 22.04.2015 virtually dismissing the revision application as infructuous, in view of payment of the demanded amount under protest, without considering the matter on merits. The said order passed by respondent No.1, dated 22.04.2015, is challenged in the present writ petition.

In view of disposal of the revision application, preferred by the petitioner, by respondent No.1 solely on the ground of payment of demanded amount earlier, this Court is constrained to set aside the impugned Memo No.8030/M.1(2)/2014-3, dated 22.04.2015,

and remand the matter to respondent No.1 for consideration afresh of revision application of the petitioner, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order without being influenced by the deposit of amount by the petitioner during pendency of the revision application.

Accordingly, this Writ Petition is allowed. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

28.04.2016

MVA