

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 35492 OF 2016

ORDER :

The order dated 17.02.2012 made under Rule 35-C of the Andhra Pradesh Minor Mineral Concession Rules, 1966 is challenged in this Writ Petition.

The petitioner was granted lease for quarrying colour granite over an extent of 1.000 hectare in Survey No. 365-B of Raketla Village, Uravakonda Mandal, Anantapur District, subject to complying with certain formalities. He was required to pay Rs.40,000/- per hectare per annum towards dead rent and a sum equivalent to one year dead rent towards security deposit. Since the petitioner has failed to comply with those conditions, the order impugned has been passed determining the quarry lease and forfeiting the security deposit. Thereagainst, the petitioner filed a Revision before the 1st respondent, invoking Rule 35-A of the 1966 Rules, which came to be dismissed by order dated 30.01.2015 on the ground that it was filed after lapse of 2 ½ years that too without any delay condonation petition. Questioning the said order, the Writ Petition has been taken out.

Heard learned counsel for the petitioner as well as learned Government Pleader for Mines & Geology (Andhra Pradesh).

From a perusal of the order impugned, it is evident that the Revision filed by the petitioner came to be dismissed on the simple ground that the same was filed beyond the limitation period prescribed therefor and that the petitioner has not even chosen to

seek condonation of delay. It is a settled principle of law that when a Revision was preferred belatedly i.e. beyond the period of limitation, it has to be accompanied by a Petition seeking to condone the delay. In the absence of any such Petition, the 1st respondent does not have any power to entertain the Revision. In those circumstances, the order passed in the Revision as well as the order impugned cannot be faulted and hence, they do not call for any interference by this Court.

However, here, one aspect of the matter has to be noticed. In the case on hand, the land in which the petitioner seeks to extract mineral is a patta land. In those circumstances, the petitioner shall be at liberty to make a fresh Application which shall be considered by the respondent authorities, in accordance with law. It is made clear that dismissal of the Revision cannot be construed as depriving the petitioner from making a fresh Application.

Subject to the above, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

21st October 2016

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