

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4900 OF 2016

ORDER

Challenge in this writ petition is to the demand notice dated 04.02.2016 issued by the Deputy Director of Mines and Geology, Kakinada, the third respondent. Though mention is made therein that a notice had been issued to the petitioner under letter dated 05.01.2016, perusal thereof reflects that the said show cause notice was not in the context of the action proposed to be taken against the petitioner under Rule 26(3)(ii) of the A.P. Minor Mineral Concession Rules, 1966.

As the petitioner was never put on notice about the action proposed to be taken prior to the issuance of the impugned demand notice, the same suffers from incurable violation of the principles of natural justice. When adverse civil consequences were proposed to be visited upon the petitioner, the mining authorities necessarily had to put the petitioner on prior notice and give it due opportunity to meet the specific allegations leveled against it before taking further action.

On this short ground, the impugned demand notice is set aside. This order shall however not preclude the authorities from taking action afresh, if warranted, in accordance with law and the principles of natural justice.

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

SANJAY KUMAR, J

16th FEBRUARY, 2016
PGS