

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.28373 OF 2011

ORDER:

When the matter is called, it is represented by the learned counsel for the petitioner so also the learned Government Pleader that the issue in the present writ petition is squarely covered by the common orders rendered by this Court in the case of **M/s.Novel Granites Limited and Others Vs. Government of A.P. and others**^[1]. In the said common order, this Court at Paragraph Nos.53 and 54 held as under:

"53. From the detailed discussion undertaken above, the conclusion is irresistible that the explanation to Rule 2(h) by which the processed mineral and final products are treated as 'Mineral' is ultravires the rule making power of the State Government and the same is accordingly struck down. Consequently, the definition of 'Dealer' in Rule 2(1)(d) shall be read down as to exclude the persons, who undertake manufacturing/processing activity using mineral as raw material. It is, however, made clear that the State Government and its officials authorized for this purpose shall be free to inspect and check any premises or factory/industry where the mineral is stored before it is processed/ manufactured and exercise the power of seizure of mineral before it is processed and converted into a finished product, if it is found that such mineral has not suffered royalty and/or dead rent.

54. The writ petitions are accordingly partly allowed to the extent indicated above."

Following the above said common order and for the reasons recorded therein, this Writ Petition is also allowed, in terms of the above said common order.

Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

09.06.2016
SS

[\[1\]](#) 2010 (1) ALD 812