

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.14418 of 2016

ORDER:

The grievance of the petitioner – company is with regard to the demand made by the mining authorities for payment of dead rent quantified at Rs.32,69,600/- in respect of a mining lease granted over an extent of 163.482 hectares of land in Survey No.320 of Chabali Village, Pendlimarri Mandal, Kadapa District, in relation to Laterite, Ferruginous shale and Iron Ore (Low grade). It appears that this demand was raised by way of a communication on the Meeseva Online Portal. The petitioner-company submitted a protest as to that demand under its representation dated 02.03.2016 and the same is yet to be considered by the Director of Mines and Geology, Andhra Pradesh, the 2nd respondent herein.

As no procedure has been followed by the mining authorities to raise a demand against the petitioner – company by giving it due opportunity and as jurisdictional issues are raised by the petitioner – company in the representation dated 02.03.2016, this Court is of the opinion that it is for the 2nd respondent to apply his mind to the issue and take an informed decision in the first instance.

This Court therefore sees no purpose in entertaining this writ petition for adjudication on merits at this stage. The demand raised against the petitioner - company by way of an online communication is accordingly set aside. The 2nd respondent shall consider the issues raised by the petitioner – company under its representation dated 02.03.2016 in accordance with law and communicate his decision thereon to the petitioner – company.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in

the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:26.04.2016

GJ/PGS