

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 43123 of 2015

ORDER:

Though the learned Assistant Government Pleader sought time in this matter on 04.01.2016 to enable him to get instructions, he fairly states that he could not do so.

2. The issue raised in this writ petition is as to the validity of the letter dated 19.10.2015 issued by the State of Andhra Pradesh, in the capacity of a revisionary authority, rejecting the petitioner's revision on the ground that it was filed beyond time. Perusal of the said letter reflects that the revisionary authority was of the opinion that the revision was filed only on 20.06.2015 and was therefore beyond the stipulated limitation period under Rule 35A of the

A.P. Minor Mineral Concession Rules, 1966. However the application for appeal/revision under Rule 35A of the Rules in Form-J placed on record by the petitioner reflects that the same was received by the State of Andhra Pradesh on 20.04.2015. This aspect of the matter is not in dispute as the impugned letter also refers to the petitioner's revision application as being of the date 16.04.2015 but adds the rider that it was received on 20.06.2015. However in the light of the stamp affixed on the Form-J filed by the petitioner which clearly demonstrates that it was received by the State on 20.04.2015 itself, the conclusion drawn by the revisionary authority that it was filed only on 20.06.2015 cannot be countenanced. In effect, the petitioner's revision must be treated as having been filed on 20.04.2015 itself.

3. The impugned letter dated 19.10.2015 is accordingly set aside and the matter is remitted to the revisionary authority, the State of Andhra Pradesh, for consideration of the petitioner's revision on its own merits and in accordance with law.

The Writ Petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final

order. No order as to costs.

JUSTICE SANJAY KUMAR

January 6, 2016
Lmv